MOTION FILED FEB 27 1957

NO. 10 ORIGINAL

IN THE

Supreme Court of the United States

OCTOBER TERM, 1958

UNITED STATES OF AMERICA, PLAINTIFF

V.

STATE OF LOUISIANA, DEFENDANT

MOTION FOR LEAVE TO FILE INTERVENTION, BRIEF IN SUPPORT OF MOTION, AND INTERVENERS' ANSWER

L. H. PEREZ, District Attorney and ex-Officio Attorney for Parishes of Plaquemines and St. Bernard and Counsel for Interveners, 2307 American Bank Bldg., New Orleans, Louisiana.

L. O. PECOT, District Attorney and ex-Officio Attorney for Parishes of Iberia and St. Mary and Counsel for Interveners, Franklin, Louisiana.

BERTRAND DE BLANC, District Attorney and Counsel for Interveners, Lafayette, Louisiana.

FRANK LANGRIDGE, District Attorney and ex-Officio Attorney for Parish of Jefferson and Counsel for Interveners, Gretna, Louisiana.

FRANK J. LOONEY,
Shreveport, Louisiana.
Of Counsel.

SENDKER PRINTING, 841 ALMONASTER AVE., N. O., LA.

INDEX

Page

Motion for Leave to File Intervention 1

Brief in Support of Motion 4

Interveners' Answer 11

First Defense:

Jurisdiction 11, 22, 23, 24

The Complaint's admission of State's right to submerged lands 3 **leagues from the coast line** in Gulf of Mexico 12

No accounting required of State 13

Submerged Lands Act quitclaim to State 3 leagues from **the coast line** in Gulf of Mexico 13

The line marking coast line and seaward limit of inland waters adopted by said Act 13

The line already designated and defined by U. S. agencies under authority of prior Acts of Congress 14

Seaward Boundary 17

Nation's historic boundary, fixed by the 1783 Treaty of Independence, Acts of Congress fixing the State boundaries, under exclusive authority of Art. IV, Sec. 3 of U. S. Constitution,—and not by shifting foreign policies or executive statements ..... 19, 20 and 23

Louisiana Legislature redefined its historic gulfward boundary 3 leagues from coast into Gulf of Mexico, as fixed by Act of Congress April 18, 1812, and approved its coast line as **the line** designated and defined by U. S. agencies under authority of Acts of Congress 21, 22

Second Defense:

Interveners' legal right:

To funds and property subject to distribution and disposition by Court orders in this action 24

To a portion of State tax revenues in State's gulfward boundary at issue herein 25

To maintain their territorial jurisdiction, co-extensive with that of defendant State at issue herein 25

CITATIONS

Cases:

Alabama v. Texas et al and Rhode Island v. Louisiana et al, 347 U. S. 272 24

Harcourt v. Gaillard, (1827), 12 Wheat. 523, 527 20

International Court of Justice in United Kingdom v. Norway 21

Johnson v. M'Intosh, (1823) 8 Wheat. @ 582 20

Kaufman v. Societe Internationale Pour Participations Industrielles et Commercials S. A. 343 U. S. 156 8

INDEX—(Continued)

CITATIONS

CASES—(Continued) Page

Louisiana v. Mississippi, 202 U. S. 1 18
"The Delaware" (N. Y. 1896), 161 U. S. 459, 463 6
United States v. La., 339 U. S. 699 7
U. S. v. Newark Meadows Imp. Co. (C.C.N.Y., 1909) 173 F. 426 @ 428 6

U. S. Constitution and Statutes:

Art. IV, Sec. 3, U. S. Const. 5
Article VI clause 2, U. S. Constitution 20
Act of Congress April 8, 1812, 2 Stat. 701, La. Boundary... 5, 17
Act of Congress, 1807, 2 Stat. 413-4, Coast line 5
Act of Congress 1895, 28 Stat. 672, Coast line 5
32 Stat. 829, Coast line 5
33 USC Sec. 151, Coast line 5
46 USC Sec. 224 (a), Coast line 5, 16
Act of Congress, April 14, 1812 5
Submerged Lands Act, 67 Stat. 29 6
USC 28, Rule 24, Advisory Committee Note 8
USC 46 Sec. 224a, (12), (a) 17
Treaty of Independence, 1783 19
Sec. 3 (c), 67 Stat. 29 8
Sec. 4 (b), 67 Stat. 462 11
67 Stat. 29, Sec. 2 13
67 Stat, 29, Sec. 4 17
67 Stat. 29, Sec. 6 23

Louisiana Constitution and Statutes:

La. Constitution Preamble, 1812 6
Art. X, Secs. 10, 21, Art. XIV, Secs. 8, 11, 14 (c) (d), La. Constitution 9
1812 La. Constitution, re: boundary 4
Act 33 of 1954 La. Legislature 5, 18
Concurrent Resolution of La. Legislature, Aug. 4, 1812 5
Act of La. Legislature, Ch. 3 p. 8, 1812 5
Acts 32 and 33, 1954 La. Legislature 7, 21, 22
Art. IV, Sec. 2, La. Constitution 8
La. 1950 R. S. 9:1105 7
1950 R. S. 49: 2, 3 22

Miscellaneous:

69th Congress, 1st Session, House Document No. 398 @ p 618 20
Map showing "The Twenty League Line" under 1783 Treaty 19
Dept. of Interior Maps 22, 23
Coast Guard, 169, March 1, 1955, Boundary line of inland waters 5, 16
Coast Charts Showing the **coast line** 5
Boundaries of U. S. and States, Dept. of Interior, Hy. Gannett, 1904, and Geological Survey Bulletin 817 5

NO. 11 ORIGINAL

IN THE

Supreme Court of the United States

OCTOBER TERM, 1956

UNITED STATES OF AMERICA, PLAINTIFF

V.

STATE OF LOUISIANA, DEFENDANT

MOTION FOR LEAVE TO FILE INTERVENTION

The Parishes[1] of St. Bernard, Plaquemines, Jefferson, Iberia, and St. Mary, subdivisions of the State of Louisiana, authorized to intervene herein by their Governing Bodies, as shown by certified copies of resolutions hereto attached, move the Court for an order permitting them to intervene as defendants in this action, in order to assert the defenses set forth in their proposed answer, on the following grounds:

I

The representation of applicants' interest by the existing party defendant in this cause is or may be inadequate, as shown by defendant's answer, which claims various conflicting gulfward boundaries for the State of Louisiana, and particularly by the prayer thereof which fails to ask for judgment decreeing the

1. Same as Counties in all other States.

State of Louisiana to be the owner of the submerged lands and natural resources within its historic boundary, 3 leagues from coast, or for an accounting from plaintiff for rentals and royalties collected by it from mineral leases within said State Gulfward boundary, in all of which applicants have a legal interest, and applicants will be bound by any judgment or orders rendered in this action because, under State Law, applicants' gulfward boundaries are co-extensive with the gulfward boundary of the State of Louisiana.

II

Under State Law, applicants exercise the right of local government and taxation over their respective areas and jurisdictions within the State's historic gulfward boundary, and therefore they have a legal right to maintain their territorial integrity.

III

Applicants are so situated as to be adversely affected by a distribution and disposition of large sums of money subject to the control and disposition by judgment and orders of the Court in this action, which said sums were received and withheld by the United States, plaintiff, as royalty payments under mineral leases executed on submerged lands of the State of Louisiana, defendant, within applicants respective maritime boundaries. Said sums are due and payable to the defendant under provisions of the Submerged Lands Act of May 22, 1953, and applicants have a legal interest therein under State Law.

IV

A copy of applicants' proposed pleading and annexed exhibits are attached hereto.

V

This intervention has questions of law and fact in common with the main action, and will not delay the trial, nor prejudice the adjudication of the rights of the original parties in this action. Plaintiff and defendant have not filed briefs in support of their demands, and this action is fixed for hearing on April 8, 1957, when Interveners will require only about 20 minutes in argument.

VI

WHEREFORE, applicants pray that an order be entered permitting the Parishes of St. Bernard, Plaquemines, Jefferson, Iberia and St. Mary, applicants for intervention, to intervene and become parties defendants in this case.

L. H. PEREZ, District Attorney and ex-Officio Attorney for Parishes of Plaquemines and St. Bernard and Counsel for Interveners,

L. O. PECOT, District Attorney and ex-Officio Attorney for Parishes of Iberia and St. Mary and Counsel for Interveners,

BERTRAND DE BLANC, District Attorney and Counsel for Interveners,

FRANK LANGRIDGE, District Attorney and ex-Officio Attorney for Parish of Jefferson and Counsel for Interveners,

FRANK J. LOONEY,
Of Counsel.

February, 1957

NO. 11 ORIGINAL

IN THE

Supreme Court of the United States

OCTOBER TERM, 1956

UNITED STATES OF AMERICA, PLAINTIFF
V.
STATE OF LOUISIANA, DEFENDANT

BRIEF IN SUPPORT OF MOTION

INTERVENTION OF RIGHT

Applicants are entitled to intervene in the present action as of right for the reason that the representation of applicants' interests by the existing party defendant is or may be inadequate and applicants for intervention will be bound by a judgment in this action.

FRCP Rule 24 (a) 2, and new Rule 9 (2).

Representation of applicants' interests by the existing party defendant is inadequate, as shown by defendant's answer, which fails to lay proper emphasis on the historic gulfward boundary of the State of Louisiana, 3 leagues from coast, as fixed by its Constitution prior to and at the time the State was admitted into the Union, as approved by Congress, and also fixed by the Act of Congress which admitted the State into the Union[1], and which said coast line was desig-

1. 1812 Constitution of La., preamble, Act of April 8, 1812, Public Stats. at Large of U. S. A., Vol. II, pp 701-3.

nated and defined by the lawful agencies of the federal government under applicable Acts of Congress, and approved by the Louisiana Legislature[2].

The complaint and answer fail to recognize the fundamental legal principle fixed in the Constitution of the United States[3] that Congress and only Congress may admit new States into the Union and fix their boundaries and, therefore, no State boundary can be established, fixed or changed by any of the political agencies of the federal government, nor is it a political question dependent upon diplomatic exchanges or foreign policy; and that after a State has been admitted into the Union by Act of Congress, its boundary cannot be changed, not even enlarged, without the consent of its Legislature[4].

---

2. Act of Feb. 10, 1807, Stats. at Large of U. S. A, Vol. II, pp 413-4, USCA 33, Sec. 881; Acts of Feb. 19, 1895, C. 102, §2, 28 Stat. 672; Feb. 14, 1903, C. 552, 32 Stat. 829; 33 USCA Sec. 151: "The term 'high seas' means all waters outside the line dividing the inland waters from the high seas as defined in Section 151, Title 33." 46 USCA Sec. 224 (a), (12) (a), and C. G. 169, March 1, 1955, PART 82—BOUNDARY LINES OF INLAND WATERS, Sections 82.1, 82.2, 82.95, 82.103, C & G Charts 1267, 1270, 1272 to 1279, incl. Act 33 of the 1954 Louisiana Legislature.

3. Art. IV, §3.

4. Act of Congress, April 14, 1812, enlarging limits of State of Louisiana, provided: "in case the legislature of the State of Louisiana shall consent thereto."

The First Session of the Louisiana Legislature, on July 27, 1812, adopted an Act, Chapter 3, page 8 of the Acts of 1812, and a Concurrent Resolution approved August 4, 1812, approving and consenting to the enlargement of the limits of the State, as provided by said Act of Congress.

Re: Changing State boundary: See Henry Gannett, Department of the Interior, "Boundaries of the United States and of the Several States and Territories", 1904, pp 9-18, where the United States and Britain engaged in diplomatic exchanges, appointment of survey commissions, and, finally, of a friendly Sovereign to arbitrate the disputed boundary between Canada and Maine,—the subject of fruitless negotiation for 44 years which almost led to war with Britain. When the friendly Sovereign made an award in favor of Canada, the State of Maine protested, and the United States Senate accordingly refused to give its assent to the award, giving as its reason, that, **"However disposed the Government of the United States might have been to acquiesce in the decision of the arbiter, it had not the power to change the boundaries of a State without the consent of the State."** Geological Survey Bulletin 817, p17.

Said answer also fails to show, in compliance with the Submerged Lands Act of Congress[5], that the boundaries of the State of Louisiana in the Gulf of Mexico as they existed at the time such State became a member of the Union extended from the coast line 3 marine leagues into the Gulf of Mexico, and that it was so provided by the Constitution of the State of Louisiana prior to and at the time it became a member of the Union[6], which said Constitution was approved by said Act of Congress of April 8, 1812.

That as shown by Act 33 of the 1954 Louisiana Legislature, the State of Louisiana stands upon its historic gulfward boundary, 3 leagues from coast, as described in its original Constitution in 1812, and as fixed by the Act of Congress which admitted it into the Union on April 8, 1812; and the State accepted and approved its coast line, or **the line** marking the seaward limit of its inland waters, as designated and defined by agencies of the federal government under the applicable Acts of Congress of 1807 and 1895, as amended.

This congressional legislation was for the purpose of defining the inland waters of the United States[7].

The waters within the dividing line so designated and defined between the high seas and the rivers, harbors and inland waters pursuant to the 1895 Act, are inland waters[8].

Applicants will be bound by final judgment in this action and such judgment will be res adjudicata of the

---

5. Sec. 2 (b) and Sec. 4, Public Law 83d Congress, 67 Stat. 29.
6. Preamble of Constitution of Louisiana of 1812.
7. **U. S. v. Newark Meadows Imp. Co.** (C. C. N. Y. 1909) 173 F. 426, @ p. 428.
8. **"The Delaware"** (N. Y. 1896) 161 U. S. 459, @ p. 463.

legal rights sought to be protected through intervention, because the gulfward boundaries of applicants, as coastal parishes of the State of Louisiana, are coextensive with the State[9].

Applicants are in a separate category from other non-coastal parishes of the State because as coastal parishes they have a substantial property interest consisting of a percentage of oil royalties in the mineral resources of the submerged lands of the State of Louisiana within its said historic boundary[10].

After December 11, 1950, when the decree was entered in the Case of the **United States v. Louisiana**[11], various State lessees of mineral rights in the submerged lands of the State of Louisiana within 3 leagues from coast in the Gulf of Mexico paid large sums of money for rentals and royalties under said leases to the United States, plaintiff, (shown by circles in tracts on Maps annexed to the Answer marked Interveners Exhibits 15 to 22); and since said date, plaintiff advertised and sold various oil and gas leases on tracts of submerged lands both within Louisiana's inland waters and within Louisiana's gulfward boundary 3 leagues from coast within applicants' boundaries, (shown on said Maps in tracts shaded black), from which said plaintiff received additional large sums of money. All such sums received by plaintiff are required to be paid to defendant by the Submerged

---

9. Acts 32 and 33 of the 1954 Louisiana Legislature.

10. La. Con. Art. IV, §2. Royalty interests are real property rights under Louisiana Law. 1950 R.S. 9:1105.

11. 339 U.S. 699.

Lands Act of Congress[12]. Applicants have a legal right to ten percent (10%) of said royalties as above[13], which are subject to distribution and disposition by the final judgment and orders of court in this action.

Interveners issued bonds aggregating several millions of dollars secured by revenues from said 10% royalties, with the faith and credit of **said Parishes** pledged therefor, under authority of the State Constitution. Applicants would be adversely affected in such distribution or disposition of said funds, unless permitted to intervene in this action.

The 1946 amendment to Rule 24 (a) (3), adding the words "subject to the control or disposition", "covers the situation where property may be in the custody of some other officer or agency—such as the Secretary of the Treasury—but the control and disposition of the property is lodged in the court wherein the action is pending[14]."

Applicants have right of intervention because of their legal interest in property or funds, subject to distribution and disposition by judgment and orders of Court in this action."[15]

Applicants are also entitled to as much as $200,000 from State severance taxes collected from oil, gas and sulphur produced within their respective bound-

---

12. Sec. 3 (c), Pub. Law 31, 83d Cong., 67 Stat. 29.

13. La. Con. Art. IV, §2.

14. Advisory Committee Note to Rule 24, U. S. C. A. 28, p. 130.

15. **Kaufman v. Societe Internationale Pour Participations Industrielles et Commerciales S. A.**, 72 S. Ct. 611, 343 U. S. 156.

aries[16], including the State's gulfward boundary therein.

Applicants exercise delegated portions of the right of State government and sovereignty, and have the legal right under the State Constitution and Laws to impose ad valorem taxes on all taxable property within their boundaries (including their portion of defendant's gulfward boundary at issue in this action), for local government purposes in their respective subdivisions of the State, including civil and criminal courts, sheriffs and peace officers, assessors and tax collectors, and the construction, maintenance and operation of courthouses, school houses, other public buildings, roads, bridges, sewerage and drainage works and other permanent public improvements, title to which shall be in the public[17]. For the foregoing reasons, applicants have a legal right to present their defenses in this action to protect their legal interests and property rights, and their territorial integrity.

Applicants annex to their intervention verified copies of official instruments, maps and other evidence, in support of their intervention, the consideration of which will not delay the trial in any manner nor prejudice the adjudication of the rights of the original parties in this action. Neither plaintiff or defendant has filed its brief in support of their demands fixed for hearing in this Court on April 8, 1957. Inter-

---

16. La. Con. Art. X, §21, maximum of $200,000 yearly allocated to Parishes from State severance taxes on oil, gas and sulphur production.

17. La. Con. Art. X, §10; Art. XIV, §8, 11 and 14 (c), (d), (e);

veners will require only about 20 minutes in argument to present their defense and legal rights on hearing thereof.

CONCLUSION

It is respectfully submtited that Motion for Leave to File the Intervention should be granted.

L. H. PEREZ, District Attorney and ex-Officio Attorney for Parishes of Plaquemines and St. Bernard and Counsel for Interveners,

L. O. PECOT, District Attorney and ex-Officio Attorney for Parishes of Iberia and St. Mary and Counsel for Interveners,

BERTRAND DE BLANC, District Attorney and Counsel for Interveners,

FRANK LANGRIDGE, District Attorney and ex-Officio Attorney for Parish of Jefferson and Counsel for Interveners,

FRANK J. LOONEY,
Of Counsel.

February, 1957

NO. 11 ORIGINAL

IN THE

Supreme Court of the United States

OCTOBER TERM, 1956

UNITED STATES OF AMERICA, PLAINTIFF
V.
STATE OF LOUISIANA, DEFENDANT

INTERVENERS' ANSWER

Now come the Parishes of St. Bernard, Plaquemines, Jefferson, Iberia and St. Mary, subdivisions of the State of Louisiana, duly authorized by resolutions of their governing bodies, verified copies of which are hereto annexed, intervening herein as defendants,

hereinafter termed "INTERVENERS", and with respect show that:

FIRST DEFENSE

Interveners deny all allegations of plaintiff's complaint, except as may be hereinafter particularly admitted.

I

The jurisdictional question has been disposed of by order of the Court on defendant's motion directed thereto.

II

The allegation that the United States had possession and dominion over the lands, minerals and other things underlying the Gulf of Mexico from the outer limits of inland waters on the coast of Louisiana to the edge of the continental shelf, **"except as set forth in Paragraph IV,"** when construed with the Submerged Lands Act of Congress, 67 Stat. 29, Sec. 2. (b) and (c), Sec. 3. (a) and (b), quitclaiming to Gulf Coastal States a maximum of 3 leagues from Coast, within historic State boundaries, and the Act of Congress which admitted Louisiana as a State into the Union and fixed its gulfward boundary at 3 leagues from coast in the Gulf of Mexico, on April 8, 1812, must be taken as an admission by plaintiff that the defendant State of Louisiana has ownership and possession of all said submerged lands, minerals and other things underlying the Gulf of Mexico, within 3 marine leagues from coast, or from the seaward limit of its inland waters.

III

Neither said Submerged Lands Act or the Outer Continental Shelf Lands Act requires any accounting to plaintiff from the defendant State, said Acts supercede said Court decision, and Plaintiff is bound by these Acts of Congress.

IV

Said Submerged Lands Act recognized, confirmed and established title to and ownership of the submerged lands and resources in the defendant State, and "released and relinquished" unto said State "all right, title and interest of the United States, if any it has" thereto, within the State's historic boundary, 3 leagues from coast in the Gulf of Mexico.

Section 2 of the Act provides that when used in this Act—"(b) The term "boundaries" includes * * * its boundaries in the Gulf of Mexico * * * as they existed at the time such State became a member of the Union, or as heretofore approved by the Congress, or as * * * confirmed pursuant to Section 4 hereof but in no event shall the term "boundaries" or the term "lands beneath navigable waters" be interpreted as **extending from the coast line** more than * * * **three marine leagues into the Gulf of Mexico;"** (Emphasis added).

"(c) The term "coast line" means **the line** of ordinary low water along that portion of the coast which is in direct contact with the open sea and **the line** marking the seaward limit of inland waters;" (Both **lines** synonymous).

By its use of the most specific language as above, **"the line"** along the sea coast and **"the line"** marking

the seaward limit of inland waters, Congress most certainly did not intend to provide for **any line** which might be arbitrarily drawn on a map by the Secretary of the Interior, as has been attempted by the "Chapman Line" without legal authority. Nor did Congress intend any such line as suggested in plaintiff's brief of March, 1956, pp 9 to 12, which would require several years of judicial inquiry for decision as to its location along the State's shore line of 7721 miles, instead of the existing Louisiana coast line 397 miles long, already designated and defined by United States Agencies under authority of Acts of Congress of 1807 and 1895, as amended, and as shown on Coast and Geodetic Survey Charts.

The use of the phrase "of ordinary low water" does not change the location of **the line,** because the tide ebbs and flows and the waters rise and fall along the sea coast as well, and to the same extent as within the tidal inland waters or along the tidal shores. High water and low water or any water elevation, is measured on a perpendicular gauge, up or down,—but not by distance.

That said coast line, or **the line** marking the seaward limit of inland waters of the State of Louisiana has been designated and defined by agencies of the United States, plaintiff, under applicable Acts of Congress of Feb. 10, 1807 and Feb. 19, 1895, as amended, as shown in footnote 2 of Interveners' Brief in Support of Motion.

The 1807 Act authorized the President to cause a **survey** to be taken of **the coasts of the United States**

within twenty leagues of any part of the shores of the United States. (Emphasizing the vast difference between "coast" and "shore").

The 1895 Act vested the authority in the Secretary of the Treasury, to designate and define by suitable bearings, buoys, or coast objects, **"the line** dividing the high seas from rivers, harbors and inland waters," while the 1807 Act was still in effect authorizing fixing the **maximum distance of the coast 20 leagues from the shores.**

Under Section 101 of Reorganization Plan No. 3 of 1946, Congress vested that authority in the Commandant of the Coast Guard.

In United States Coast Guard pamphlet CG-169, March 1, 1955, PART 82. BOUNDARY LINES OF INLAND WATERS, the Commandant published regulations as follows:

Section 82.1 states,

> "The waters inshore of **the lines** decribed in this part are 'inland waters' * * *. The waters outside of **the line** described in this part are the high seas * * *.

Sections 82.95 and 82.103 of said PART 82 describe **said lines** as follows:

> "82.95 MOBILE BAY, ALA., TO MISSISSIPPI PASSES, LA.—Starting from a point which is located 1 mile, 90° true, from Mobile Point Lighthouse, a line drawn to Mobile Entrance Lighted Whistle Buoy 1; thence to Ship Island Lighthouse; **thence to Chandeleuer Lighthouse; thence in a curved line following the general trend of the seaward, high-water shore lines of the**

Chandeleur Islands to the southwesternmost extremity of Errol Shoal (Lat. 29°35.8′ N., Long. 89°00.8′ W.); thence to Pass a Loutre Lighted Whistle Buoy 4."

"82.103 MISSISSIPPI PASSES, LA., TO SABINE PASS, TEX.—A line drawn from Pass a Loutre Lighted Whistle Buoy 4 to South Pass Lighted Whistle Buoy 2; thence to Southwest Pass Entrance Mid-channel Lighted Whistle Buoy; thence to Ship Shoal Lighthouse; thence to Calcasieu Pass Lighted Whistle Buoy 1; thence to Sabine Pass Lighted Whistle Buoy 1." (Emphasis added to show Louisiana Coast line.)

The line marking the coast line or seaward limit of the State's inland waters are shown on Charts 1267, 1270 and 1272 to 1279, inclusive, of the Coast and Geodetic Survey. There is attached hereto as "Interveners—Exhibit 1", a comprehensive C. & G. S. Chart showing the entirety of Louisiana's said coast line.

Louisiana's said coast line according to scale shown on these Charts measures about 397 miles, the same distance for the Louisiana coast line as stated by plaintiff in its memorandum dated March, 1956, at bottom of page 9.

The line marking the seaward limit of the State's inland waters, or the State coast line, also is in compliance with the definition of "coast line" in the Submerged Lands Act, Section 2 (c) copied above,

Said line marking the coast line or seaward limit of inland waters is also in compliance with prior Acts of Congress, such as USC 46:224 a:

"(12) Where used in this section—

"(a) The term "highseas" means all waters outside **the line** dividing the inland waters from the highseas, as defined in Section 151 of Title 33.

USC 33:151 also defines the term "highseas" to means "all waters outside **the line** dividing the inland waters from the highseas," (footnote 2, Brief in support of motion, supra.)

Section 4 of said Act, 67 Stat. 29, regarding **SEAWARD BOUNDARIES** provides:

* * * "Nothing in this section is to be construed as questioning or in any manner prejudicing the existence of any State's seaward boundary beyond three geographical miles if it was so provided by its Constitution or laws prior to or at the time such State became a member of the Union, or if it has been heretofore approved by Congress."

The boundary of the State of Louisiana, defendant, as described in its Constitution of 1812, prior to and at the time it became a member of the Union, and as approved by and again described in the Act of Congress of April 8, 1812, which admitted the State into the Union, is three leagues from **coast** in the Gulf of Mexico.

Nowhere in the State's original Constitution or in the Act of Congress admitting Louisiana as a State into the Union and fixing its boundary will any reference be found fixing its gulfward boundary as "3 miles" or as any distance from "shore"; but to the contrary the only gulfward boundary described therein is "3 leagues" from "coast."

Said 3 leagues from coast historic boundary of the State of Louisiana, defendant, as fixed by the Act of Congress admitting it as a State into the Union on April 8, 1812, has been adjudicated upon by this Court in **Louisiana v. Mississippi**, 202 U. S. 1, 26 S. Ct. 408, 416, as follows:

> "2. The state of Louisiana was admitted into the Union by the act of Congress approved April 8, 1812 (2 Stat. at L. 701, chap. 50), which commenced as follows:
>
> " 'Whereas, the representatives of the people of **all that part of the territory** or country **ceded** under the name of 'Louisiana' by the treaty made at Paris on the thirtieth day of April, one thousand eight hundred and three, between the United States and France, contained **within the following limits**, that is to say: **Beginning at the mouth of the River Sabine; thence by a line to be drawn along the middle of said river**, including all islands, to the thirty-second degree of latitude; thence due north to the northernmost part of the thirty-third degree of north latitude; thence along the said parallel of latitude to the River Mississippi; thence down the said river to the River Iberville; and from thence along the middle of the said river and Lakes Maurepas and Pontchartrain **to the Gulf of Mexico; thence bounded by the said gulf to the place of beginning** including all islands **within three leagues of the coast**; . . .' (Emphasis added, to show that the **limits** fixed were "within 3 leagues of the coast.")
>
> "Map of diagram No. 1, given in the opening statement, shows the limits as thus defined."

A reprint of this map of diagram No. 1 with a reprint of the map attached to Act 33 of 1954 on the same scale, marked diagram No. 2, is attached hereto, marked Interveners' Exhibit 2.

From an examination of these two maps, it will be seen that the outer boundary line, or gulfward limit of the State of Louisiana as shown in Diagram No. 1, held by this court to be a correct showing of the State limits as defined in the Act of April 8, 1812, compares with the outer gulfward boundary of Louisiana as shown on the map officially adopted by Act 33 of the 1954 Louisiana Legislature."

V

The facts and law regarding the historic gulfward boundary of the State of Louisiana, defendant, are given in Paragraph IV, above.

If by the allegations in Paragraph 5 of the complaint, the contention is made that at the time Louisiana became a member of the Union, the maritime boundary of the **Union** did not extend more than 3 geographic miles from the outer limit of inland waters, as indicated in plaintiff's memorandum of March, 1956, p. 3, that,

> "From its very beginning, this nation has held firmly to the principle that three miles is the proper limit for the extension of a nation's jurisdiction over the sea,"

such contention is unfounded and made without regard for the Treaty of Independence with Great Britain in April, 1783, the Second Article of which described the Atlantic boundary of the original coastal States as "20 leagues from shore", as shown by said Treaty and a contemporary map secured from the Library of Congress, bearing the legend, "An ACCURATE MAP of the UNITED STATES of America according to the Treaty of Peace of 1783", showing "The Twenty League Line," attached hereto as Interveners' Exhibit 3.

In 1823, this Court unanimously held, through Chief Justice Marshall, that by that Treaty which concluded the War of our Revolution, **the boundaries** of the United States were **fixed in the Second Article,** and Great Britain relinquished all claim, not only to the government but to the "propriety and territorial rights" which previously had been in Great Britain, definitely to these States, **Johnson v. M'Intosh,** 8 Wheat. @ 582; and that said Treaty was "the most solemn of all international acts", **Harcourt v. Gaillard** (1827) 12 Wheat. 523, 527.

It was this Treaty which prompted the framers of the Constitution to provide in Article VI, Clause 2, that, "all treaties made" are a part of the supreme law of the land. (69th Congress, 1st Session House Document No. 398, @ p. 618).

Plaintiff's contention that the State's boundary depends upon assertion by the United States of jurisdiction over the adjoining seas involving foreign relations, and depends upon "executive statements" fixing the national boundaries, does violence to the Constitution which vests the authority solely in Congress to admit new States into the Union and to fix their boundaries, and thereby to fix the national boundaries made up of member States.

The United States, plaintiff, and its legal representatives are bound by the provision of the United States Constitution, Article IV, Section 3, granting to Congress the exclusive authority to admit new States into the Union and to fix their boundaries, and by the Acts of Congress relative hereto, and no political agent, agency or department of the United States government has any legal right to assume any function

or authority with regard to the State's boundary contrary to the provisions thereof.

Said contention is further untenable in the face of a decision by the International Court of Justice on Dec. 18, 1951, **(United Kingdom v. Norway)**, that such historic boundary fixed by lawful authority in 1812 constitutes historic title thereto.

Any present day political effort as alleged in the complaint to restrict the nation's extensive historic maritime boundaries, long since fixed by the 1783 Treaty and Acts of Congress admitting new coastal states into the Union, which would expose our coasts to easier enemy attack, is repelled by such outstanding historic facts and prior unanimous decisions of this Court.

VI

The matter of possession and ownership by the State of Louisiana of the submerged lands and resources within 3 leagues from coast in the Gulf of Mexico, are as set out in Paragraph IV, above, and the matter of an alleged accounting is answered in Paragraph III.

VII

As shown by Acts 32 and 33 of the 1954 Louisiana Legislature and Sections 2 and 3 of Title 49 of the La. Rev. Stats., which laws are binding on all State Agencies and officials, the State of Louisiana and Interveners, defendants, claim no right in the Gulf of Mexico, or the Continental Shelf therein, beyond 3 leagues from coast, and defendant has done nothing to interfere with any of the operations of plaintiff or

its lessees in the Outer Continental Shelf or the submerged lands thereof lying seaward and outside of the area defined in Section 2 of the Submerged Lands Act. Copies of said Acts are annexed hereto as "Interveners —Exhibits 4 and 5".

Said Act 33 of 1954 amending the State Revised Statutes Title 49, Section 1, simply redefined the State's historic boundary, 3 leagues from coast, as fixed by the Acts of Congress of April 8, 1812, and accepted and approved its coast line, or **"the line"** marking the seaward limit of its inland waters as designated and defined by the federal government under applicable Acts of Congress of 1807 and 1895, as amended.

Sections 2 and 3 of said Title 49 and Section 1101 of Title 9, provide that the State of Louisiana owns all submerged lands and resources within its boundary, subject to all constitutional powers of the United States.

To the contrary, without any legal right or authority so to do, and in violation of all applicable Acts of Congress above referred to, and since the effective date of the Submerged Lands Act, agencies of the United States, plaintiff, have persisted in interfering with and obstructing the defendant State in its orderly and effective operations for mineral development of the submerged lands of the State of Louisiana within 3 leagues from coast in the Gulf of Mexico, and in fact also inside of its coast line or the line marking the seaward limit of its inland waters, as designated and defined by the United States Government under applicable Acts of Congress, and they have granted mineral leases thereon, as shown by photostatic copies of Department of Interior maps hereto annexed and marked,

"Interveners—Exhibits 6 to 13, incl.", all to the irreparable loss and damage of the defendant State and Interveners.

VIII

NO PARAGRAPH VIII

IX

Plaintiff's contention that the "fundamental question" in issue is the width of the marginal sea within the jurisdiction of the United States which involves inquiry into and application of its foreign policy, is negatived by the Submerged Lands Act which retains all powers in the United States over foreign policy, national defense, etc., in the submerged land areas, within the State's boundaries as follows:

> "Sec. 6. **Powers Retained By The United States.**--(a) The United States retains all its navigational servitude and rights in and powers of regulation and control **of said lands and navigable waters for** the **constitutional purposes** of **commerce, navigation, national defense** and **international affairs, all** of which shall be **paramount to, but** shall **not** be deemed **to include, proprietary rights of ownership,** or the rights of management, administration, leasing, use, and development of the lands and natural resources **which are specifically recognized, confirmed,** established, and vested in and assigned **to the respective States** and others by section 3 of this Act."

Contrary to the plain provisions of the above Act of Congress and the decision of this Court holding said Act to be constitutional legislation beyond judicial review, on March 15, 1954, **Alabama v. Texas, et al,** and **Rhode Island v. Louisiana, et al.,** 347 U. S. 272, it is the evident purpose of the complaint in this action to curtail the historic boundary of the defendant State as a subterfuge to claim rights of ownership in the name of the United States to such property within the State's historic boundary.

Instead of the fundamental question in issue being the application of foreign policy to the marginal sea, the fundamental issue may well be whether the political agencies of the United States can succeed at this late date, (145 years after Congress admitted the defendant State into the Union and fixed its boundary on April 8, 1812), in changing the historic boundary of a State of the Union to nationalize its property, in violation of the United States Constitution, the Acts of Congress pertaining thereto, and the legal rights and sovereignty of the State, and its people.

SECOND DEFENSE

I

Interveners have a legal interest in property and funds subject to distribution and disposition by judgment and orders of court in this action, consisting of a 10% royalty interest in all royalties to which the State of Louisiana may be entitled out of minerals produced within their respective Parish boundaries, which are co-extensive with the boundaries of the State of Louisiana at issue in this action; and applicants likewise are entitled to their portion of said

funds withheld by plaintiff which are subject to distribution and disposition by judgment and orders of court in this action.

II

Applicants are entitled to a maximum of $200,000.00 from State severance taxes collected from the production of oil, gas and sulphur produced within their respective boundaries, including the State's gulfward boundary therein in issue here.

III

Applicants, under the Constitution and Laws of the State of Louisiana, exercise delegated portions of the right of State government and sovereignty, and have the legal right to impose ad valorem taxes on all taxable property within their boundaries (including their portion of defendant's gulfward boundary at issue in this action), for local government purposes in their respective subdivisions of the State, including civil and criminal courts, sheriffs and peace officers, assessors and tax collectors, and the construction, maintenance and operation of courthouses, school houses, other public buildings, roads, bridges, sewerage and drainage works and other permanent public improvements, title to which shall be in the public.

WHEREFORE, Interveners-defendants pray that, after evidence received on the trial on the merits and due proceedings had in this action, there be judgment in favor of defendant, the State of Louisiana, and In-

terveners-defendants, decreeing said State to have title to and ownership of the lands beneath its navigable waters extending from its coast line 3 marine leagues into the Gulf of Mexico, and the natural resources within such lands and waters, and the right and power to manage, administer, lease, develop and use said lands and natural resources in accordance with applicable State law, subject to the constitutional authority of the United States, plaintiff, over said lands and waters for the purpose of navigation, interstate and foreign commerce, national defense, and international affairs, and that plaintiff and its agents, officers and employees be enjoined from interfering with the peaceful management, control, development and use of said rights, property and natural resources; and that plaintiff, through its proper officers, be required to account to the State of Louisiana for all minerals and other things of value taken therefrom, and for all sums of money received from said submerged lands and minerals, whether from cash bonuses, rentals, and royalties and other payments, in which Interveners have a property right as provided by the Constitution and laws of the State of Louisiana.

Interveners-defendants further pray for all further orders and decrees as the nature of this action

may require and for full, general and equitable relief of defendant and Interveners, all in accordance with law.

L. H. PEREZ, District Attorney and ex-Officio Attorney for Parishes of Plaquemines and St. Bernard and Counsel for Interveners,

L. O. PECOT, District Attorney and ex-Officio Attorney for Parishes of Iberia and St. Mary and Counsel for Interveners,

BERTRAND DE BLANC, District Attorney and Counsel for Interveners,

FRANK LANGRIDGE, District Attorney and ex-Officio Attorney for Parish of Jefferson and Counsel for Interveners,

FRANK J. LOONEY,
Of Counsel.

February, 1957

PROOF OF SERVICE

I, Leander H. Perez, one of the attorneys for interveners-defendants herein, and a member of the Bar of the Supreme Court of the United States, certify that on the_____day of February, 1957, I served copies of the foregoing Motion of Leave to file Intervention, Brief in support of Motion, and Interveners' Answer by leaving copies thereof at the offices of the Attorney General and of the Solicitor General of the United States, respectively, in the Department of Justice Building, Washington, D. C., and by mailing same to the Attorney General of Louisiana, his office, State Capitol Baton Rouge, La., and to the other attorneys of record for the State of Louisiana at their addresses shown on the State's Answer.

_____

Of Counsel

R E S O L U T I O N

WHEREAS, this Parish will be affected and bound by any final decision rendered by the United States Supreme Court in the suit of the United States versus the State of Louisiana, No. 11 on the Original Docket of said Court, October Term 1956, and this Parish has the right to intervene in said cause to represent and protect its substantial interests;

THEREFORE:

BE IT RESOLVED by the Police Jury of the Parish of Plaquemines as the Governing Authority of said Parish, that its President, Emile Martin, Jr., be and he is hereby authorized and directed to intervene for and in the name of and on behalf of this Parish in the above entitled and numbered cause, in order to protect the legal rights of this Parish to the full extent of its gulfward boundary, which is co-extensive with the historic boundary of the State of Louisiana as shown by Acts 32 and 33 of the 1954 Louisiana Legislature, and, further, to protect the Constitutional interest of this Parish to its ten percent (10%) of the royalties received by the State of Louisiana from mineral production in this Parish under leases granted by the State on State owned lands and property and its portion of the State severance tax collected by the State of Louisiana on its natural resources within the boundaries of this Parish, as provided by Section 21 of Article X and Section 2 of Article IV, respectively, of the State Constitution;

FURTHER RESOLVED, that the President of this Police Jury be authorized to cooperate with the other Louisiana Coastal Parishes, their officers and the Legal Committee of the Louisiana Coastal Parishes Organization, and the State of Louisiana in the defense of Louisiana's historic boundary, including the gulfward boundary of this Parish.

I hereby certify the above and foregoing to be a true and correct copy of a resolution adopted by the Plaquemines Parish Police Jury at a meeting held at Pointe-a-la-Hache, Louisiana, on Wednesday, January 9, 1957.

O. Labranche
Secretary

COPY BOUND VERTICAL

OVERSIZE PAGE - SEE NEXT FRAME FOR REMAINDER OF PAGE

POOR COPY

On motion of Mr. Holtgreve, seconded by Mr. Pertuit, the following resolution was adopted:

R E S O L U T I O N

WHEREAS, the legal rights and financial interests of this Parish will be affected by any final decision rendered by the United States Supreme Court in the suit of the UNITED STATES OF AMERICA V. STATE OF LOUISIANA, NO. 11 on the Original Docket of said Court, October Term 1956, and, therefore, this Parish has a right under the Rules of Procedure of said Court to intervene in said cause; THEREFORE:

BE IT RESOLVED by the Police Jury of the Parish of Jefferson, as the Governing Authority of said Parish, that its President, LeRoy L. Hall, be and he is hereby authorized and directed to intervene for and in the name of and on behalf of this Parish in the suit of the UNITED STATES OF AMERICA V. STATE OF LOUISIANA, NO. 11 on the Original Docket of said Court, October Term 1956, in order to protect the legal rights of this Parish to the full extent of its gulfward boundary, which is co-extensive with the historic boundary of the State of Louisiana as shown by Acts 32 and 33 of the 1954 Louisiana Legislature, and, further, to protect the Constitutional interest of this Parish to its ten percent (10%) of the royalties received by the State of Louisiana from mineral production in this Parish under leases granted by the State on State owned lands and property and its portion of the State severance tax collected by the State of Louisiana on its natural resources within the boundaries of this Parish, as provided by SECTION 21 of ARTICLE X and SECTION 2 of ARTICLE IV, respectively, of the State Constitution;

FURTHER RESOLVED that the President of this Police Jury be authorized to cooperate with the other Louisiana Coastal Parishes, their officers and the Legal Committee of the Louisiana Coastal Parishes Organization and the State of Louisiana in the defense of Louisiana's historic boundary, including the gulfward boundary of

Original Docket of said Court, October Term 1956, and, therefore, this Parish has a right under the Rules of Procedure of said Court to intervene in said cause;

THEREFORE:

BE IT RESOLVED by the Police Jury of the Parish of Jefferson, as the Governing Authority of said Parish, that its President, LeRoy L. Hall, be and he is hereby authorized and directed to intervene for and in the name of and on behalf of this Parish in the suit of the UNITED STATES OF AMERICA V. STATE OF LOUISIANA, NO. 11 on the Original Docket of said Court, October Term 1956, in order to protect the legal rights of this Parish to the full extent of its gulfward boundary, which is co-extensive with the historic boundary of the State of Louisiana as shown by Acts 32 and 33 of the 1954 Louisiana Legislature, and, further, to protect the Constitutional interest of this Parish to its ten percent (10%) of the royalties received by the State of Louisiana from mineral production in this Parish under leases granted by the State on State owned lands and property and its portion of the State severance tax collected by the State of Louisiana on its natural resources within the boundaries of this Parish, as provided by SECTION 21 of ARTICLE X and SECTION 2 of ARTICLE IV, respectively, of the State Constitution;

FURTHER RESOLVED that the President of this Police Jury be authorized to cooperate with the other Louisiana Coastal Parishes, their officers and the Legal Committee of the Louisiana Coastal Parishes Organization and the State of Louisiana in the defense of Louisiana's historic boundary, including the gulfward boundary of this Parish.

I HEREBY CERTIFY the above and foregoing to be a true and correct copy of a RESOLUTION unanimously adopted by the Jefferson Parish Police Jury at a meeting regularly held at Gretna, La., on January 9, 1957, with a quorum present and voting in favor thereof:

Frank J. Lexenier
SECRETARY

COPY BOUND VERTICAL

POOR COPY

COPY BOUND VERTICAL

Police Jury Iberia Parish

J. K. Darnall
PRESIDENT
MARCUS DE BLANC
SECRETARY AND TREASURER

NEW IBERIA, LA.

AN EXTRACT OF THE MINUTES OF THE POLICE JURY OF IBERIA PARISH, LOUISIANA, TAKEN AT A REGULAR MEETING HELD ON THURSDAY, JANUARY 10, 1957, AT TWO O'CLOCK P. M.

It was moved by Mr. Louis Decuir, seconded by Mr. Robert J. Miranda, and unanimously carried:

WHEREAS, the legal rights and financial interests of this Parish will be affected by any final decision rendered by the United States Supreme Court in the suit of the UNITED STATES OF AMERICA VS. STATE OF LOUISIANA, No. 11 on the Original Docket of said Court, October Term 1956, and, therefore, this Parish has a right under the rules of procedure of said Court to intervene in said cause; THEREFORE:

BE IT RESOLVED by the Police Jury of the Parish of Iberia as the Governing Authority of said Parish, that its President, J.K. Darnall, be and he is hereby authorized and directed to intervene for and in the name of and on behalf of this Parish in the above entitled and numbered cause, in order to protect the legal rights of this Parish to the full extent of its gulfward boundary, which is co-extensive with the historic boundary of the State of Louisiana as shown by Acts 32 and 33 of the 1954 Louisiana Legislature, and, further, to protect the Constitutional interest of this Parish to its ten percent (10%) of the royalties received by the State of Louisiana from mineral production in this Parish under leases granted by the State on State owned lands and property and its portion of the State severance tax collected by the State of Louisiana on its natural resources within the boundaries of this Parish, as provided by SECTION 21 of ARTICLE X and SECTION 2 of ARTICLE IV, respectively, of the State Constitution;

FURTHER RESOLVED that the President of this Police Jury be authorized to cooperate with the other Louisiana Coastal Parishes, their officers and the Legal Committee of the Louisiana Coastal Parishes Organization and the State of Louisiana in the defense of Louisiana's historic boundary, including the gulfward boundary of this Parish.

ATTEST: A true and correct copy of original resolution adopted by the Police Jury of Iberia Parish, at a regular meeting held on Thursday, January 10,1957.

IN FAITH WHEREOF I have hereunto set my hand and the official seal of the Police Jury of Iberia Parish, this 18th day of January, 1957.

Marcus De Blanc
Sebretary-Treasurer, Police Jury of
Iberia Parish, Louisiana.

COPY BOUND VERTICAL

The following resolution was introduced by Mr. Levy, who moved its adoption; the motion was seconded by Mr. Luke and Mr. Barras and unanimously carried.

RESOLUTION

WHEREAS, the legal rights and financial interests of this Parish will be affected by any final decision rendered by the United States Supreme Court in the suit of the UNITED STATES OF AMERICA VS. STATE OF LOUISIANA, No. 11 on the Original Docket of said Court, October Term 1956, and, therefore, this Parish has a right under the rules of procedure of said Court to intervene in said cause;

THEREFORE, BE IT RESOLVED, by the Police Jury of the Parish of St. Mary as the Governing Authority of said Parish, that its President, Joseph J. Cefalu, be and he is hereby authorized and directed to intervene for and in the name of and on behalf of this Parish in the suit of the UNITED STATES OF AMERICA VS. STATE OF LOUISIANA, No. 11 on the Original Docket of said Court, October Term 1956, in order to protect the legal rights of this Parish to the full extent of its gulfward boundary, which is co-extensive with the historic boundary of the State of Louisiana as shown by Acts 32 and 33 of the 1954 Louisiana Legislature, and, further, to protect the financial interest of this Parish to its ten precent (10%) of the royalties received by the State of Louisiana from mineral production in this Parish under leases granted by the State on State owned lands and property and its portion of the State severance tax collected by the State of Louisiana on its natural resources within the boundaries of this Parish, as provided by SECTION 21 of ARTICLE X and SECTION 2 of ARTICLE IV, respectively, of the State Constitution;

FURTHER RESOLVED that the President of this Police Jury be authorized to cooperate with the other Louisiana Coastal Parishes, their officers and the Legal Committee of the Louisiana Coastal Parishes Organization and the State of Louisiana in the defense of Louisiana's historic boundary, including the gulfward boundary of this Parish.

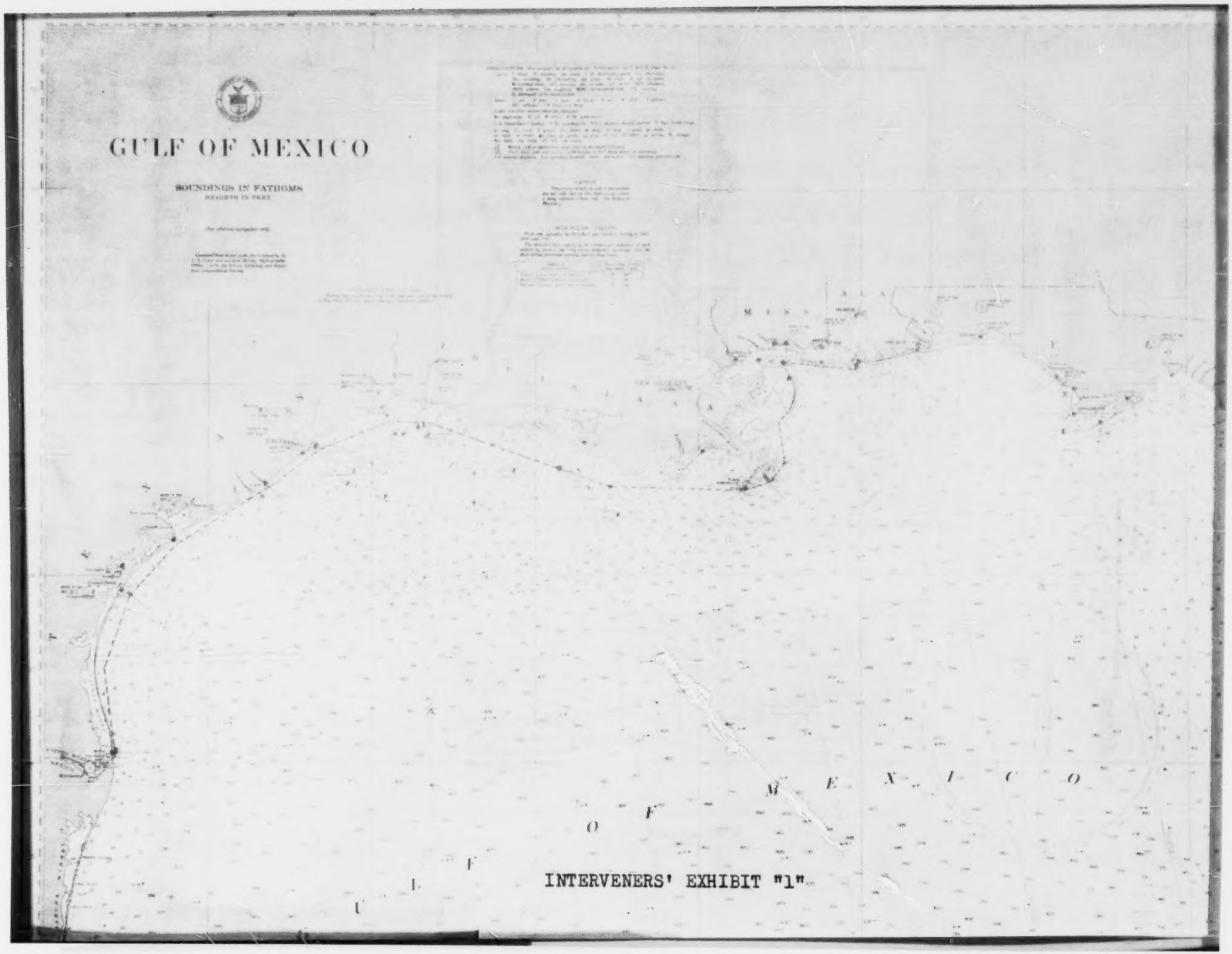
* *

I, MAY BELLE B. HIEMSTRA, Secretary-Treasurer of the Police Jury of the Parish of St. Mary, hereby certify the above and foregoing to be a true and correct copy of a resolution unanimously adopted by the St. Mary Parish Police Jury at a meeting held at Franklin, Louisiana, on January 9th, 1957, with a quorum present and voting in favor thereof:

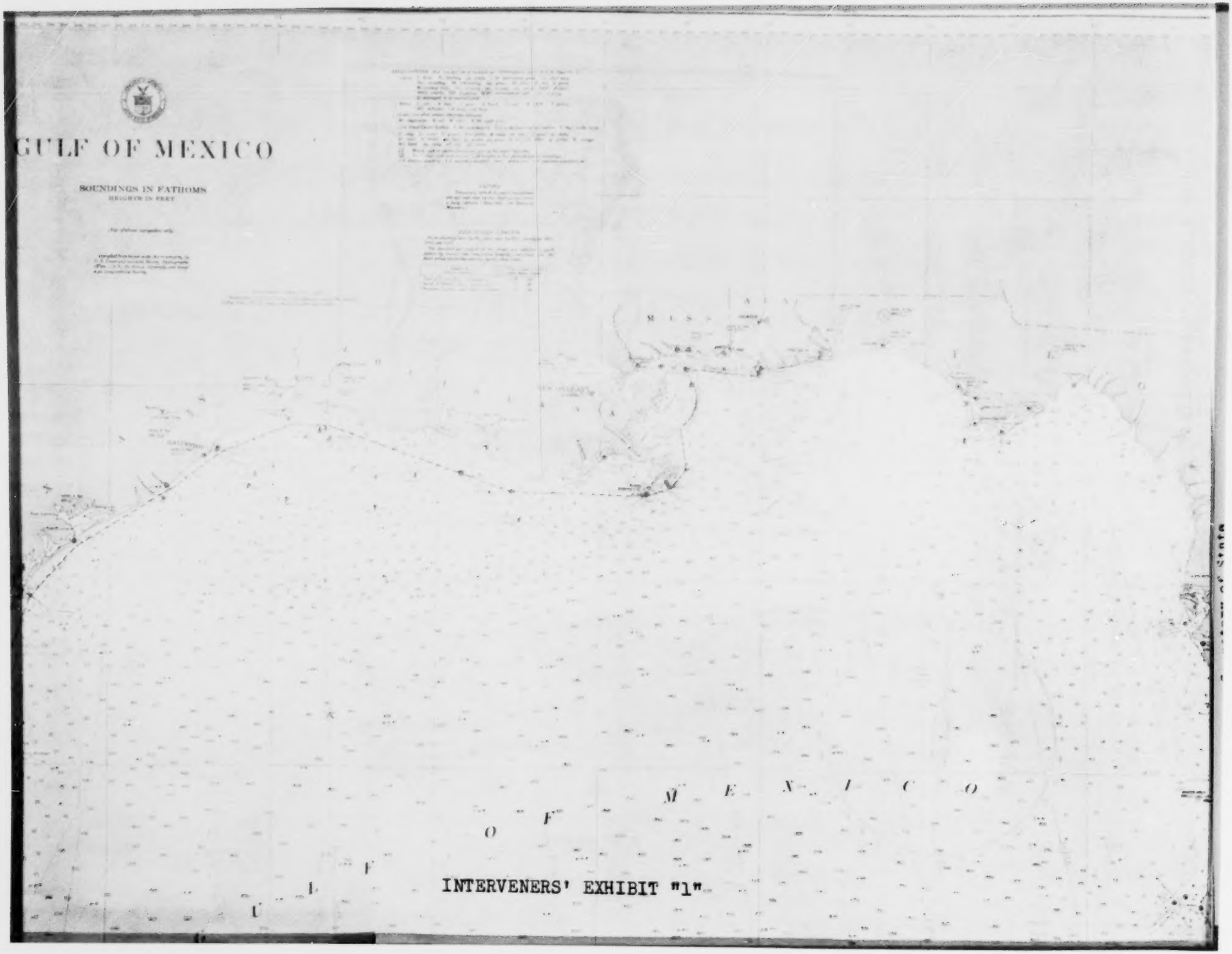
May Belle B. Hiemstra

MAY BELLE B. HIEMSTRA
SECRETARY-TREASURER
ST. MARY PARISH POLICE JURY

1/15/57



OVERSIZE PAGE – SEE NEXT FRAME FOR REMAINDER OF PAGE


GULF OF MEXICO
SOUNDINGS IN FATHOMS
HEIGHTS IN FEET
M E X I C O
O F
INTERVENERS' EXHIBIT "1"

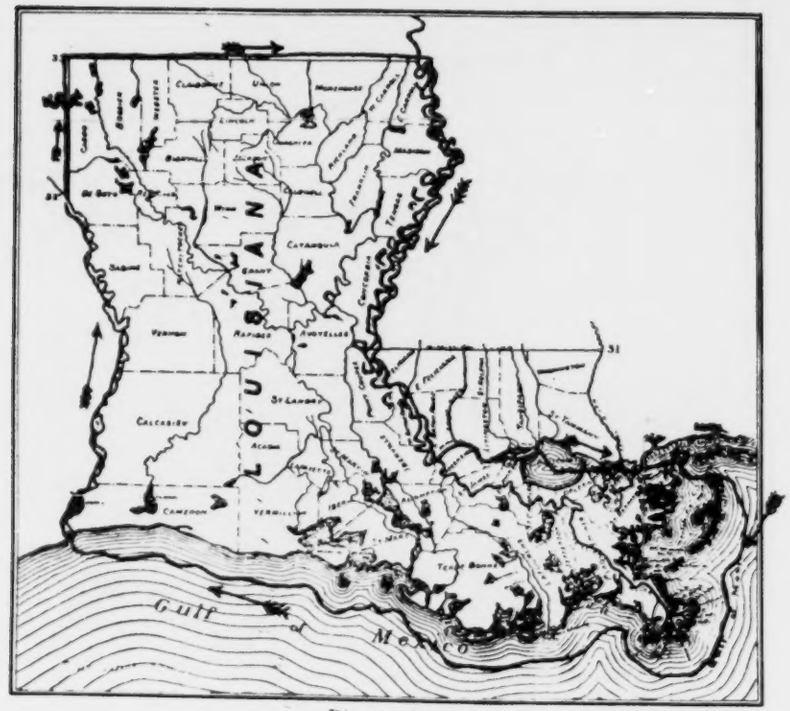


Diagram No. 1.

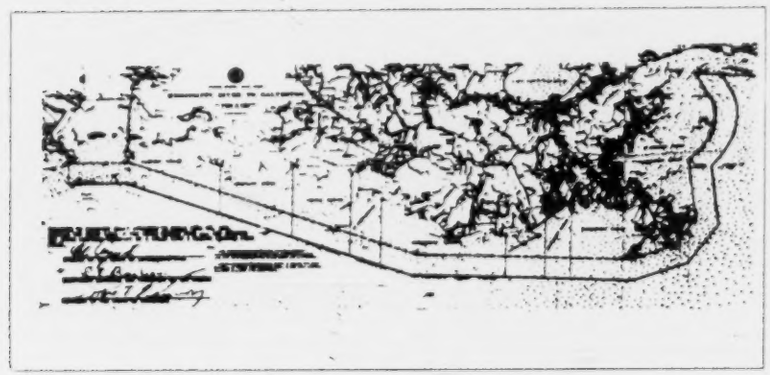
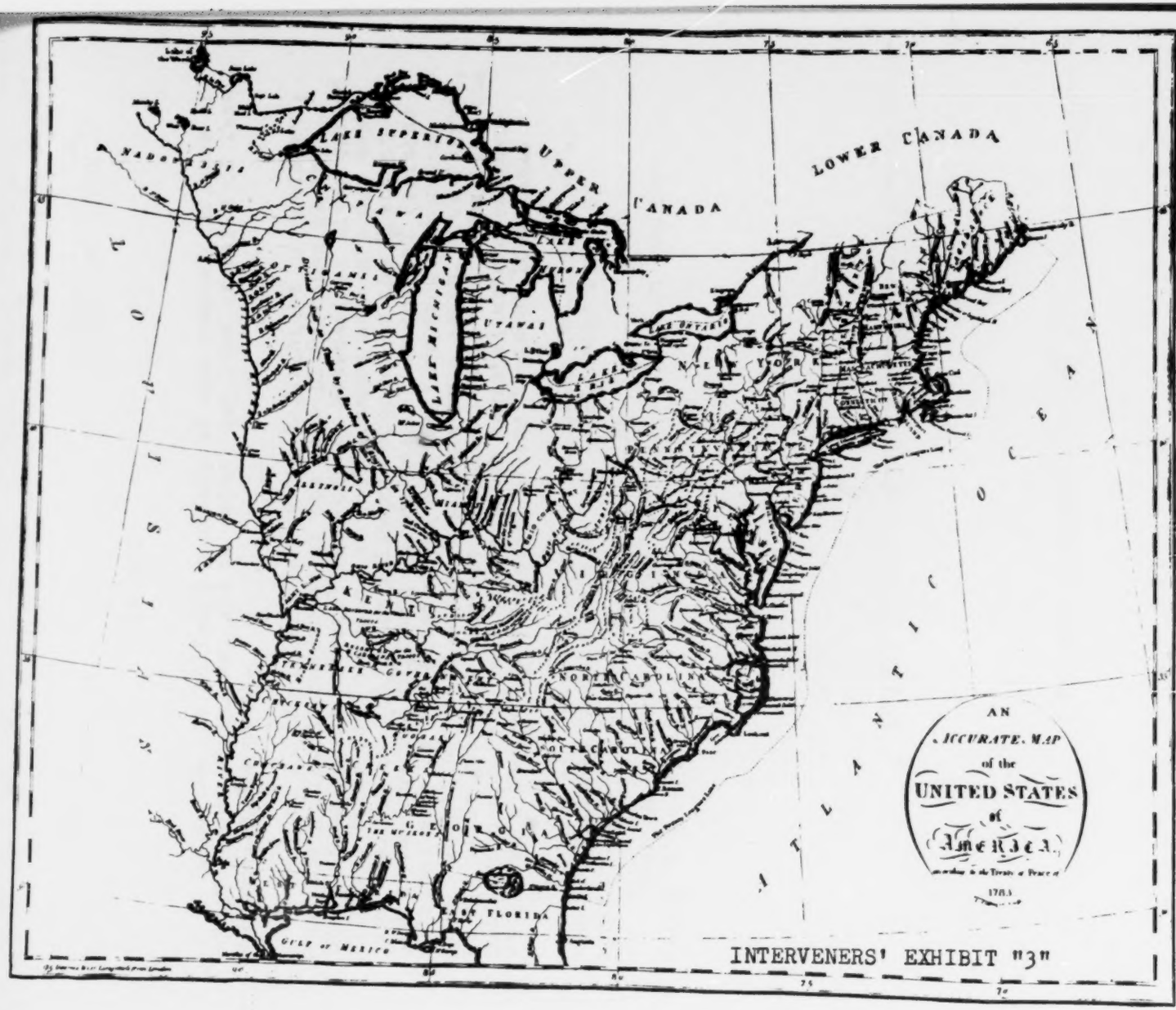


Diagram No. 2.

INTERVENERS' EXHIBIT "2"


LOWER CANADA
UPPER CANADA
AN
ACCURATE MAP
of the
UNITED STATES
of
AMERICA
1783
INTERVENERS' EXHIBIT "3"

OVERSIZE PAGE - SEE NEXT FRAME FOR REMAINDER OF PAGE

HOUSE BILL NO. 167

BY: MESSRS. GRAVOLET, MERAUX, BEESON, GUIDRY, SOIGNET, DUPONT, AYCOCK, GRIZZAFFI, DECUIR, LANDRY AND DYSON

ACT #32

AN ACT

To define the gulfward boundary of the coastal Parishes of the State of Louisiana, and to repeal any laws or parts of laws in conflict herewith.

Section 1. Be it enacted by the Legislature of Louisiana, that the gulfward boundaries of the coastal Parishes of the State of Louisiana situated east of the Mississippi River extend from the outer land terminus of their common boundary due east, true bearing, to the outer gulfward boundary of the State of Louisiana, and the gulfward boundaries of the coastal Parishes situated west of the Mississippi River extend from the outer land terminii of their common boundaries due south, true bearing, to the outer gulfward boundary of the State of Louisiana, and the gulfward boundary of all said coastal Parishes extend coextensively with the gulfward boundary of the Stated of Louisiana.

Section 2. That the interior or inland boundaries of all coastal Parishes shall remain as now existing or fixed by applicable State laws.

Section 3. That all laws or parts of laws in conflict herewith be repealed.

Ellender
SPEAKER OF THE HOUSE OF REPRESENTATIVES

C. E. Barham
LIEUTENANT GOVERNOR AND PRESIDENT OF THE SENATE

Robert F. Kennon
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: June 21st 1954

To define the gulfward boundary of the coastal Parishes of the State of Louisiana, and to repeal any laws or parts of laws in conflict herewith.

Section 1. Be it enacted by the Legislature of Louisiana, that the gulfward boundaries of the coastal Parishes of the State of Louisiana situated east of the Mississippi River extend from the outer land terminus of their common boundary due east, true bearing, to the outer gulfward boundary of the State of Louisiana, and the gulfward boundaries of the coastal Parishes situated west of the Mississippi River extend from the outer land terminii of their common boundaries due south, true bearing, to the outer gulfward boundary of the State of Louisiana, and the gulfward boundary of all said coastal Parishes extend coextensively with the gulfward boundary of the State of Louisiana.

Section 2. That the interior or inland boundaries of all coastal Parishes shall remain as now existing or fixed by applicable State laws.

Section 3. That all laws or parts of laws in conflict herewith be repealed.

Elle Dejean

SPEAKER OF THE HOUSE OF REPRESENTATIVES

C. E. Barham

LIEUTENANT GOVERNOR AND PRESIDENT OF THE SENATE

Robert F. Kennon

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: June 21st 1954

at 2:25 P.M.

Certified by the Governor as Emergency Legislation.

5/27/54
date

Wade O. Martin, Jr.
Secretary of State

INTERVENERS' EXHIBIT "4"

OVERSIZE PAGE - SEE NEXT FRAME FOR REMAINDER OF PAGE

COPY BOUND VERTICAL

HOUSE BILL NO. 190

BY: Messrs. Gravolet, Meraux, Beeson, Guidry, Soignet, Dupont, Aycock, Grizzaffi, Decuir, Landry and Dyson

ACT #33 AN ACT

To amend and re-enact Section 1 of Title 49 of the Louisiana Revised Statutes of 1950 relative to state water boundaries; gulfward boundary.

Whereas, under authority of Section 3 of Article IV of the United States Constitution, the United States Congress admitted Louisiana as a State into the Union in April, 1812, and fixed its gulfward boundary at 3 leagues from coast.

Whereas, in compliance with Acts of Congress of February 10, 1807, 2 Stat. 413, and of February 19, 1895, 28 Stat. 672, 33 U. S. C. 151, the coast line of the State of Louisiana was officially designated and defined by bearings, light-houses, buoys and coast objects, as shown in Section 1 herein;

Whereas, the United States Supreme Court has held that the waters inside of the coast line designated and defined under said Act of February 19, 1895, are "as much a part of the inland waters of the United States within the meaning of this Act as the harbor within the entrance" and another Federal Court held that said Act "was for the purpose of defining the inland waters of the United States."

Whereas, the United States Congress, by its "Tidelands" Act, approved May 22, 1953, 67 Stat. 32, recognized and confirmed State ownership of the lands beneath navigable waters within the State's boundaries, and the natural resources, including oil, gas, and all other minerals, and fish, shrimp, oysters, and other marine animal and plant life within such lands and waters; and said Tidelands Act adopted State boundaries in the Gulf of Mexico as they existed at the time such State became a member of the Union not more than 3 marine leagues into the Gulf of Mexico from the coast line, which "coast line" is defined in said Act as that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters; and

Whereas, the State of Louisiana owns these submerged lands and natural resources within such land and waters in trust for its people, and the economic welfare of the State and the public services dependent upon the State revenues to be derived from these valuable natural resources require that the State's historic boundary be redefined to avoid confusion and to clarify the situation with regard thereto.

Be it enacted by the Legislature of Louisiana:

Section 1. Section 1 of Title 49 of the Louisiana Revised Statutes of 1950 is hereby amended and reenacted to read as follows:

§ 1. Gulfward boundary. The historic gulfward boundary of the State of Louisiana extends a distance into the Gulf of

AN ACT

To amend and re-enact Section 1 of Title 49 of the Louisiana Revised Statutes of 1950 relative to state water boundaries; gulfward boundary.

Whereas, under authority of Section 3 of Article IV of the United States Constitution, the United States Congress admitted Louisiana as a State into the Union in April, 1812, and fixed its gulfward boundary at 3 leagues from coast.

Whereas, in compliance with Acts of Congress of February 10, 1807, 2 Stat. 413, and of February 19, 1895, 28 Stat. 672, 33 U. S. C. 151, the coast line of the State of Louisiana was officially designated and defined by bearings, light-houses, buoys and coast objects, as shown in Section 1 herein;

Whereas, the United States Supreme Court has held that the waters inside of the coast line designated and defined under said Act of February 19, 1895, are "as much a part of the inland waters of the United States within the meaning of this Act as the harbor within the entrance" and another Federal Court held that said Act "was for the purpose of defining the inland waters of the United States."

Whereas, the United States Congress, by its "Tidelands" Act, approved May 22, 1953, 67 Stat. 32, recognized and confirmed State ownership of the lands beneath navigable waters within the State's boundaries, and the natural resources, including oil, gas, and all other minerals, and fish, shrimp, oysters, and other marine animal and plant life within such lands and waters; and said Tidelands Act adopted State boundaries in the Gulf of Mexico as they existed at the time such State became a member of the Union not more than 3 marine leagues into the Gulf of Mexico from the coast line, which "coast line" is defined in said Act as that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters; and

Whereas, the State of Louisiana owns these submerged lands and natural resources within such land and waters in trust for its people, and the economic welfare of the State and the public services dependent upon the State revenues to be derived from these valuable natural resources require that the State's historic boundary be redefined to avoid confusion and to clarify the situation with regard thereto.

Be it enacted by the Legislature of Louisiana:

Section 1. Section 1 of Title 49 of the Louisiana Revised Statutes of 1950 is hereby amended and reenacted to read as follows:

§ 1. Gulfward boundary. The historic gulfward boundary of the State of Louisiana extends a distance into the Gulf of Mexico 3 marine leagues from coast.

The coast or coast line of the State of Louisiana is accepted and approved as designated and defined in accordance with applicable Acts of Congress, as follows: From Ship Island Lighthouse to Chandeleuer Lighthouse; thence in a curved line following the general trend of the seaward, high-water shore

INTERVENERS' EXHIBIT "5"

COPY BOUND VERTICAL

OVERSIZE PAGE – SEE NEXT FRAME FOR REMAINDER OF PAGE

lines of the Chandeleuer Islands to the Southwesternmost extremity of Errol Shoal; thence to Pass-a-Loutre lighted whistle buoy 4 to South Pass lighted whistle buoy 2; thence to Southwest Pass entrance midchannel lighted whistle buoy; thence to Ship Shoal lighthouse; thence to Calcasieu Pass lighted whistle buoy 1; thence to Sabine Pass lighted whistle buoy 1, as designated and defined under authority of the Act of Congress of February 19, 1895, 28 Stat. 672, 33 U. S. C. 151 as amended, and as is shown on the attached chart showing the coast line of the State marked thus - - - and showing the State gulfward boundary by a solid line 3 marine leagues from coast, which chart shall be paraphed by the Speaker of the House of Representatives, the President of the Senate and by the Governor to be identified herewith.

Section 2. That all laws or parts of laws in conflict herewith be and they are hereby repealed with the exception that the designation on the attached plat of the common boundaries of the coastal parishes of the State of Louisiana shall not be taken or interpreted as in any manner changing or affecting the interior or inland boundaries of any said coastal parishes as now existing or fixed by applicable State laws, nor shall said plat be taken or construed, as intending to affect the common maritime boundary between this State and the States of Mississippi and Texas.

Section 3. The Governor having certified to the legislature during the session of the legislature the necessity for the immediate passage of this Act, this Act shall become effective upon approval thereof by the Governor.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

LIEUTENANT GOVERNOR AND PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: June 21st 1954
at 2:26 P.M.

Certified by the Governor as
Emergency Legislation.

COPY BOUND VERTICAL

of Congress of February 19, 1953, 43 Stat. 672, 33 U. S. C. 151 as amended, and as is shown on the attached chart showing the coast line of the State marked thus - - - and showing the State gulfward boundary by a solid line 3 marine leagues from coast, which chart shall be paraphed by the Speaker of the House of Representatives, the President of the Senate and by the Governor to be identified herewith.

Section 2. That all laws or parts of laws in conflict herewith be and they are hereby repealed with the exception that the designation on the attached plat of the common boundaries of the coastal parishes of the State of Louisiana shall not be taken or interpreted as in any manner changing or affecting the interior or inland boundaries of any said coastal parishes as now existing or fixed by applicable State laws, nor shall said plat be taken or construed, as intending to affect the common maritime boundary between this State and the States of Mississippi and Texas.

Section 3. The Governor having certified to the legislature during the session of the legislature the necessity for the immediate passage of this Act, this Act shall become effective upon approval thereof by the Governor.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

LIEUTENANT GOVERNOR AND PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: June 2nd 1954
at 2:26 P.M.

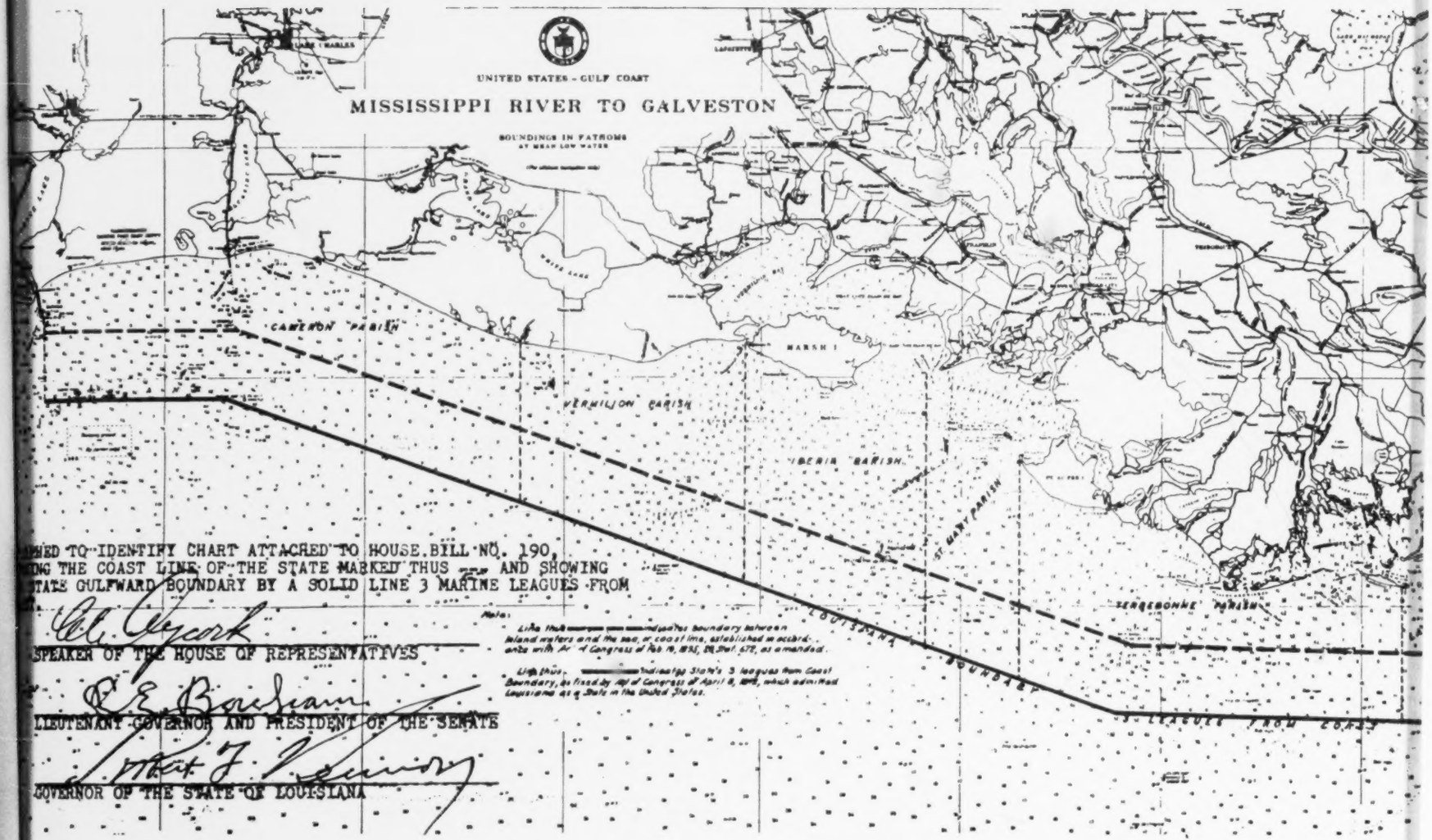
Certified by the Governor as
Emergency - Effective.

5/27/54
date

Wade O. Martin, Jr.
Secretary of State

INTERVENERS' EXHIBIT "5"

COPY BOUND VERTICAL


UNITED STATES - GULF COAST
MISSISSIPPI RIVER TO GALVESTON
SOUNDINGS IN FATHOMS
AT MEAN LOW WATER
CAMERON PARISH
VERMILION PARISH
IBERIA PARISH
ST MARY PARISH
TERREBONNE PARISH
LOUISIANA
BOUNDARY
3 LEAGUES FROM COAST
MARSH
Note:
Like this ——— line indicates boundary between inland waters and the sea, or coast line, established in accordance with Act of Congress of Feb 19, 1895, 28 Stat. 673, as amended.
Like this ——— indicates State's 3 leagues from Coast Boundary, as fixed by Act of Congress of April 8, 1812, which admitted Louisiana as a State in the United States.

ATTACHED TO IDENTIFY CHART ATTACHED TO HOUSE BILL NO. 190,
SHOWING THE COAST LINE OF THE STATE MARKED THUS ——— AND SHOWING
THE STATE GULFWARD BOUNDARY BY A SOLID LINE 3 MARINE LEAGUES FROM

A. L. Lepork
SPEAKER OF THE HOUSE OF REPRESENTATIVES

C. E. Barham
LIEUTENANT GOVERNOR AND PRESIDENT OF THE SENATE

Mat J. Sanders
GOVERNOR OF THE STATE OF LOUISIANA

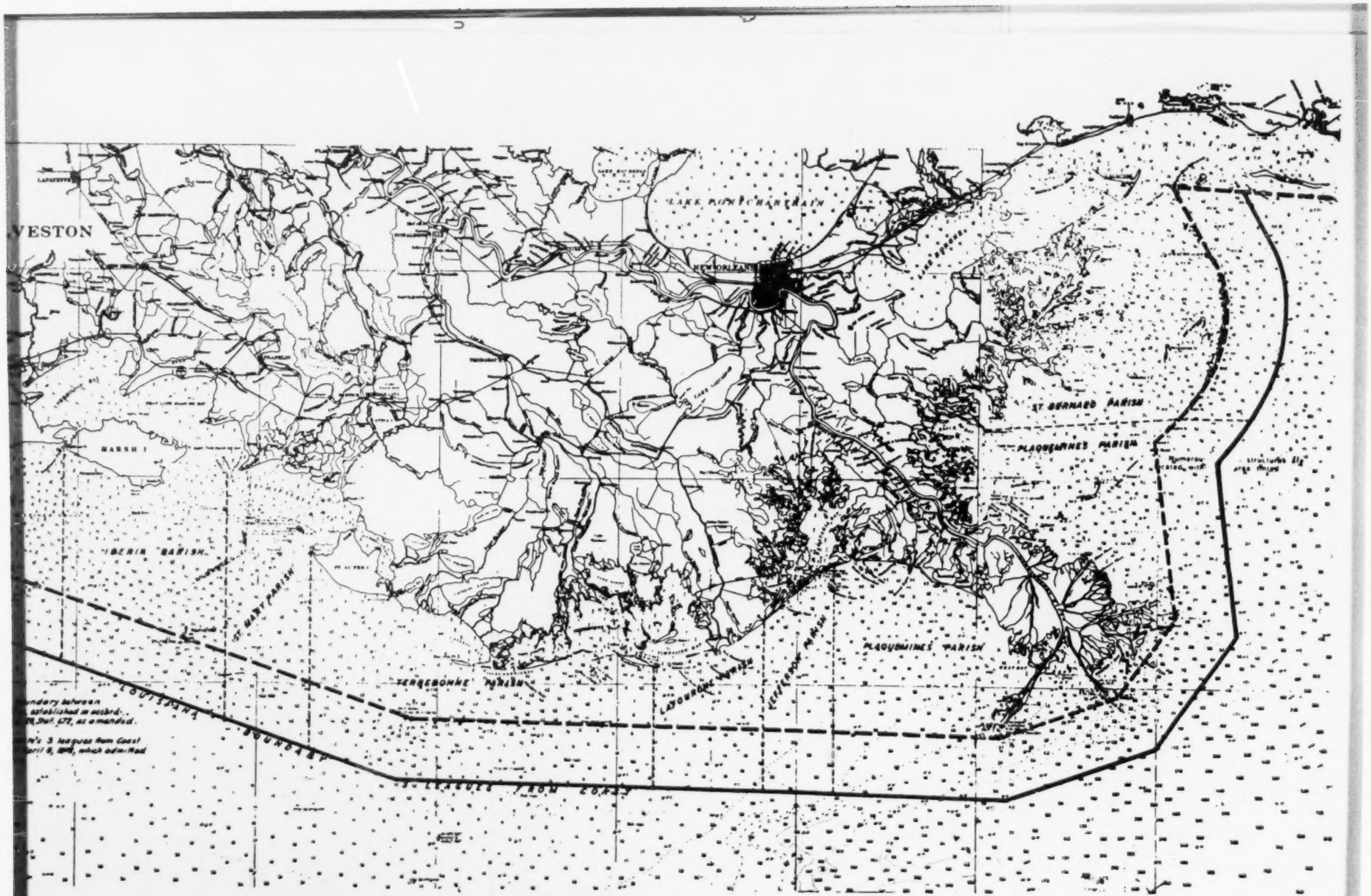
102A

INTERVENERS' EXHIBIT "5"

OVERSIZE PAGE – SEE NEXT FRAME FOR REMAINDER OF PAGE

COPY BOUND VERTICAL

COPY BOUND CLOSE IN CENTER



INTERVENERS' EXHIBIT "5"

OVERSIZE PAGE - SEE NEXT FRAME FOR REMAINDER OF PAGE

COPY BOUND VERTICAL

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

OUTER CONTINENTAL SHELF LEASING MAPS

(LOUISIANA OFFSHORE OPERATIONS)

Chapman Coast Line

3 mi from Chapman Line

Coast Line - Act 33

Act 33 - 3 league line

OUTER CONTINENTAL SHELF LEASING MAPS

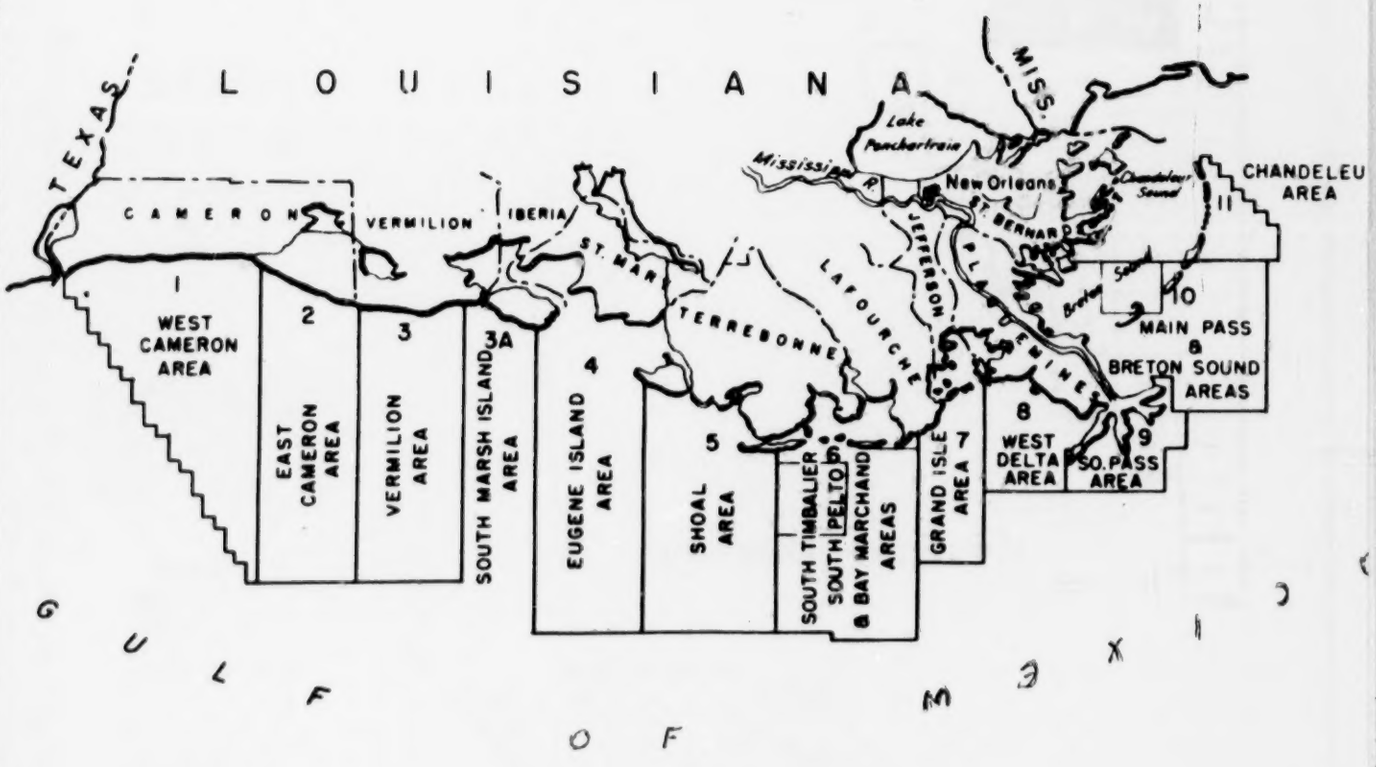
(LOUISIANA OFFSHORE OPERATIONS)

Chapman Coast Line

3 mi from Chapman Line

Coast Line - Act 33

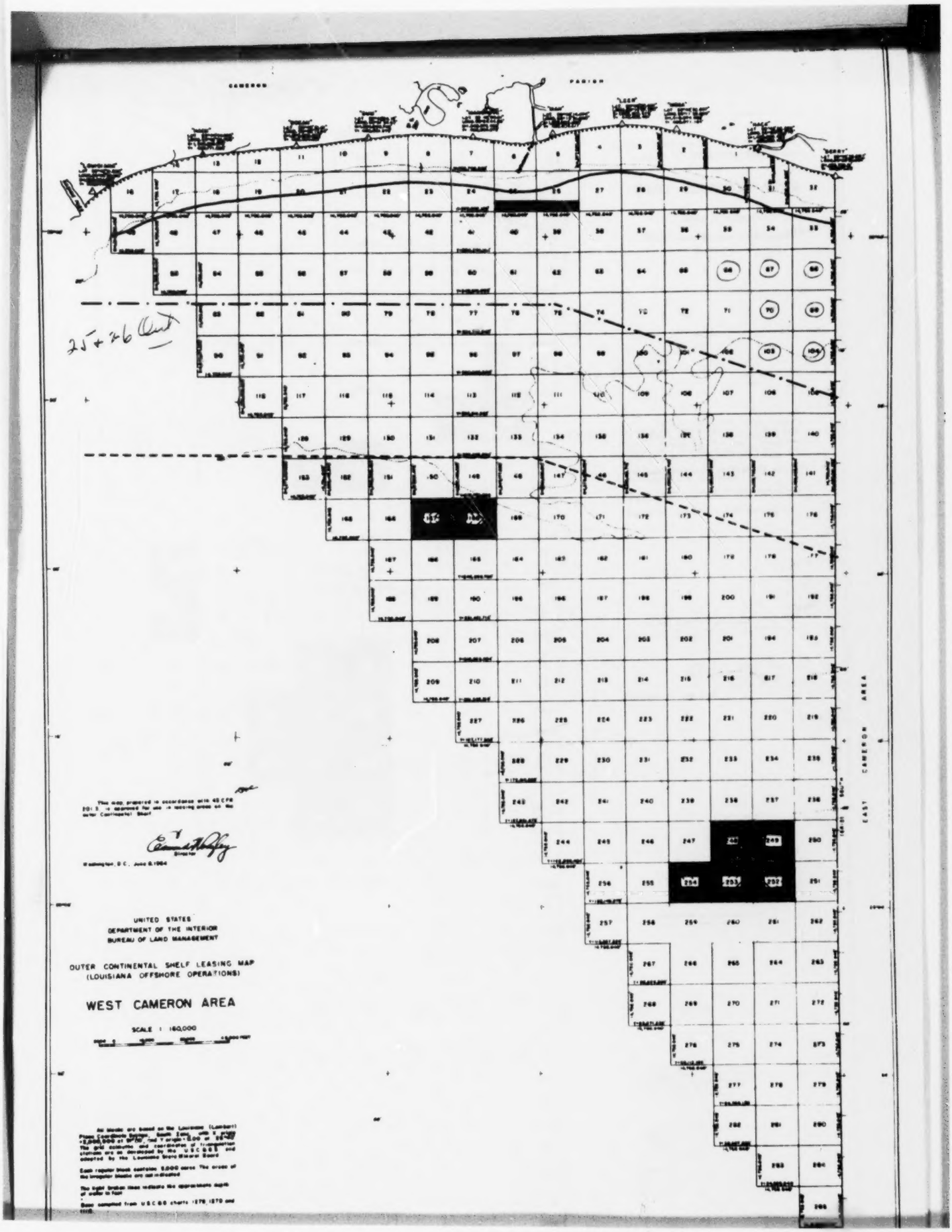
Act 33 — 3 league line



INTERVENERS' EXHIBIT "6"

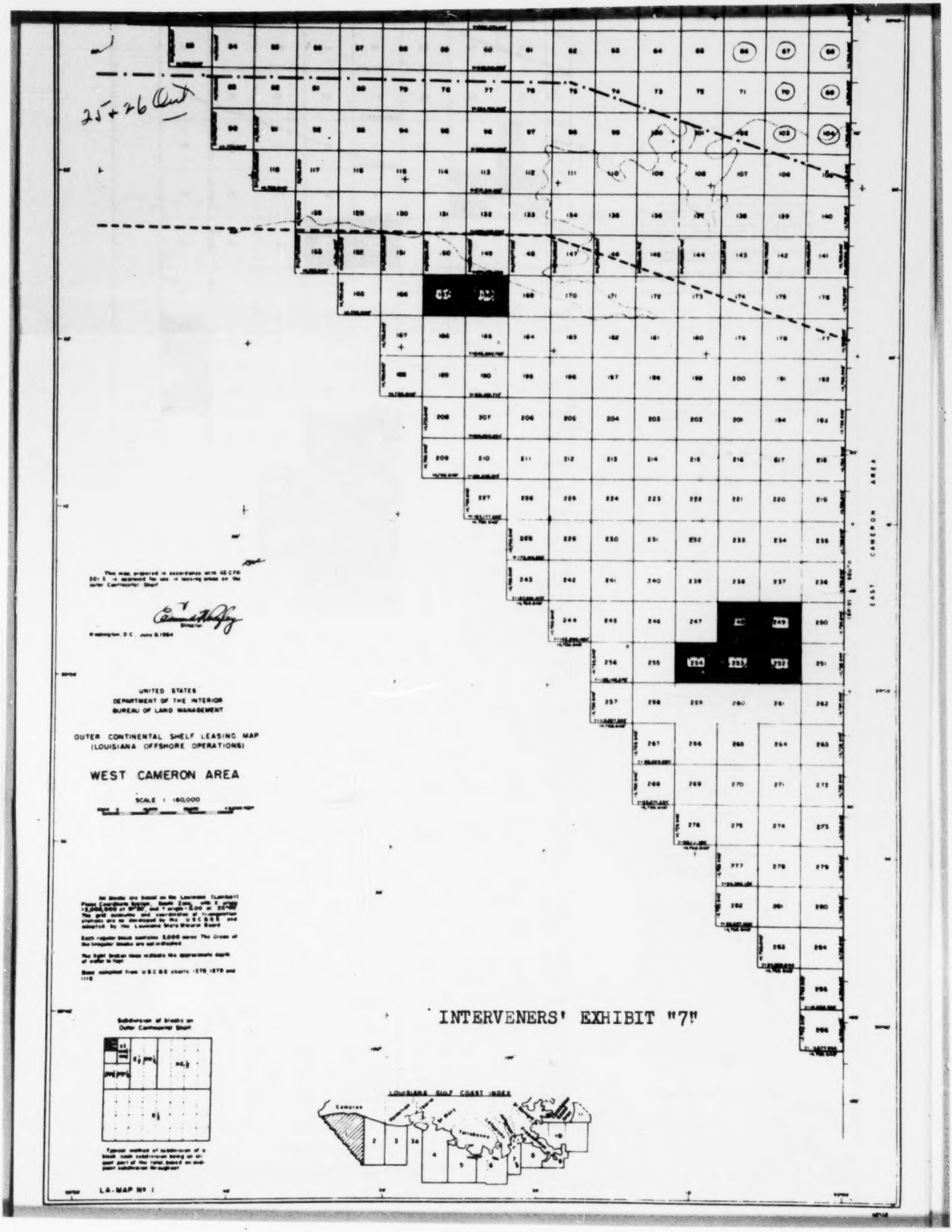
COPY BOUND VERTICAL

OVERSIZE PAGE – SEE NEXT FRAME FOR REMAINDER OF PAGE



COPY BOUND VERTICAL

POOR COPY



INTERVENERS' EXHIBIT "7"

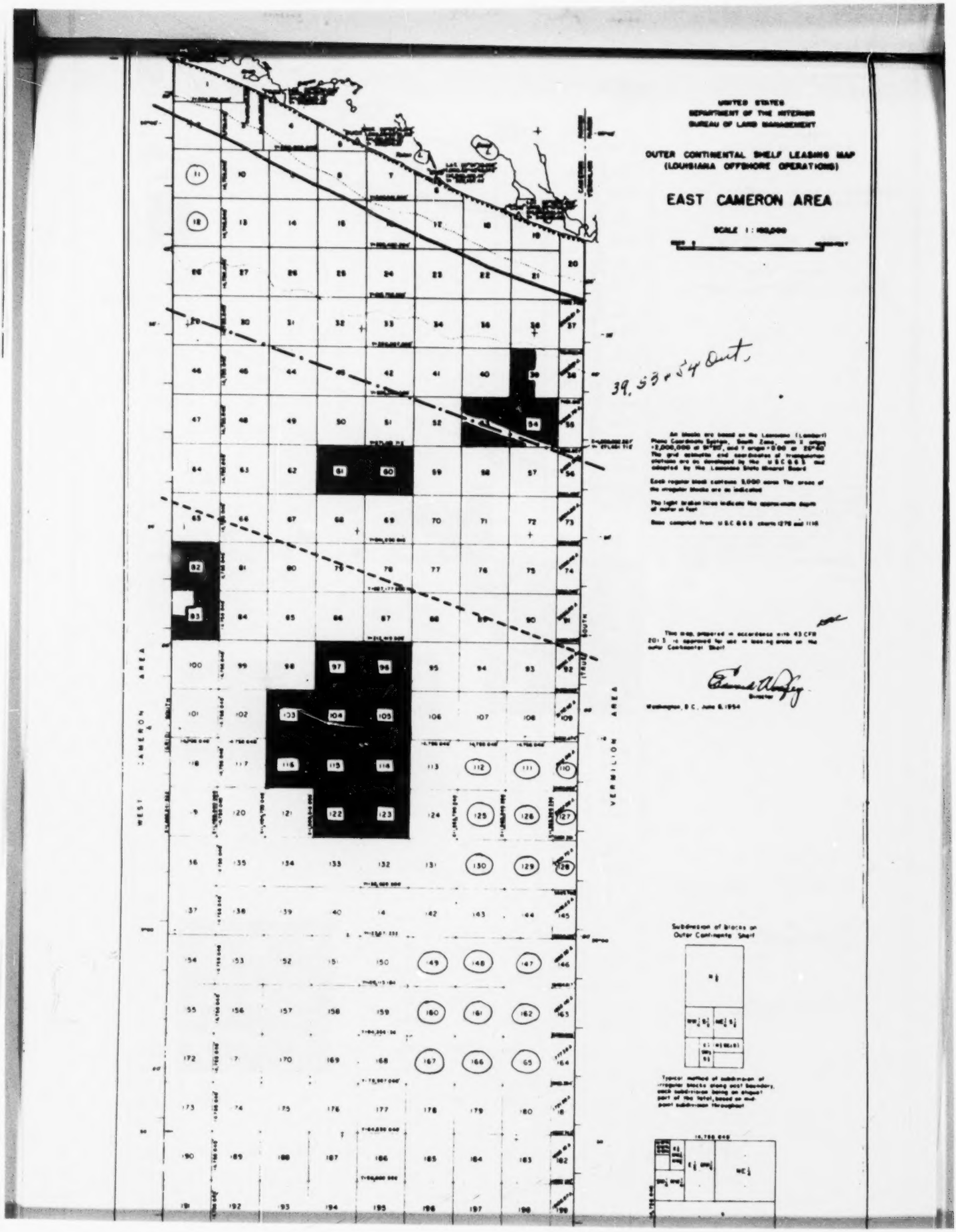
COPY BOUND VERTICAL
POOR COPY

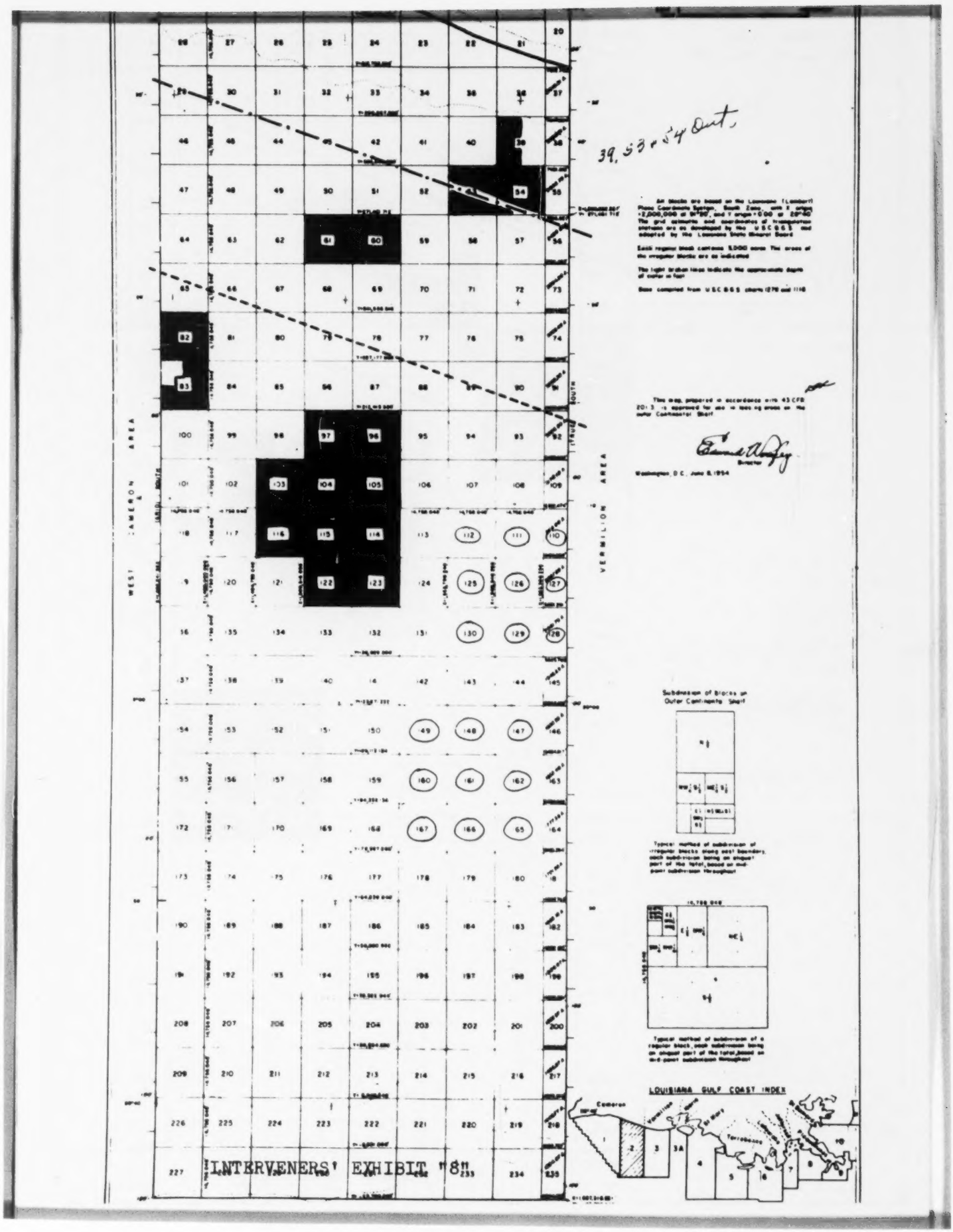
COPY BOUND CLOSE IN CENTER

OVERSIZE PAGE – SEE NEXT FRAME FOR REMAINDER OF PAGE

COPY BOUND VERTICAL

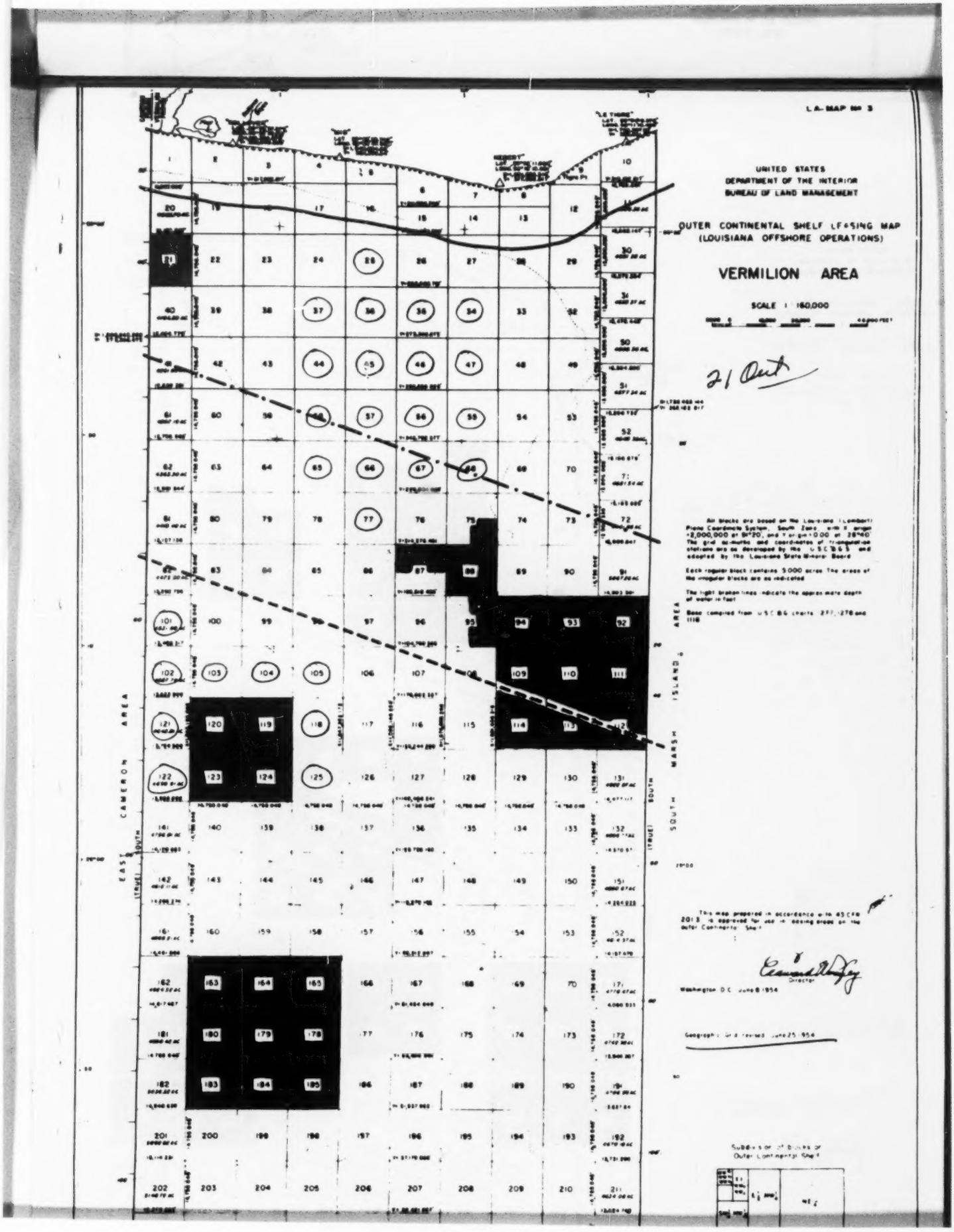
POOR COPY





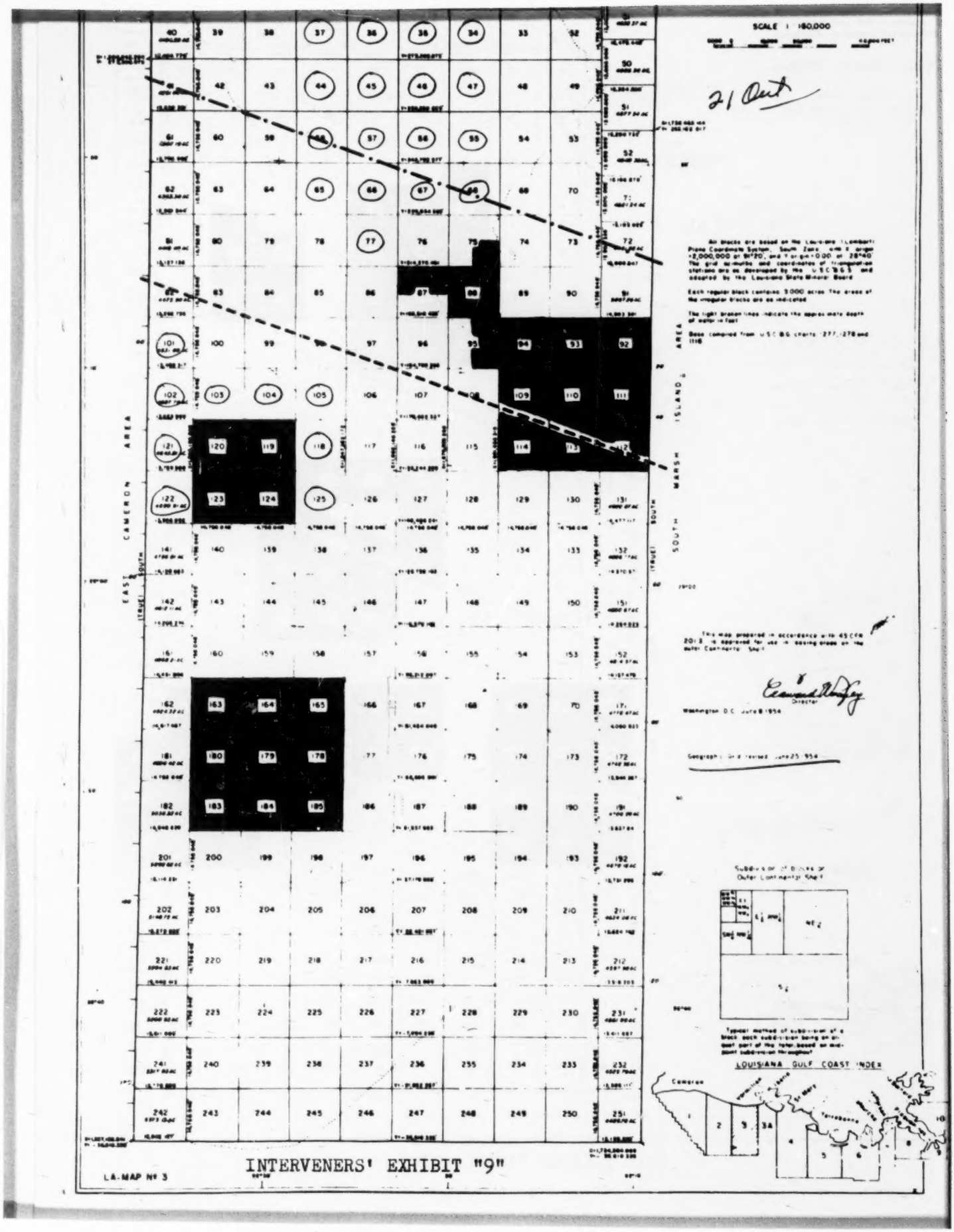
COPY BOUND VERTICAL
POOR COPY

OVERSIZE PAGE – SEE NEXT FRAME FOR REMAINDER OF PAGE



COPY BOUND VERTICAL

POOR COPY

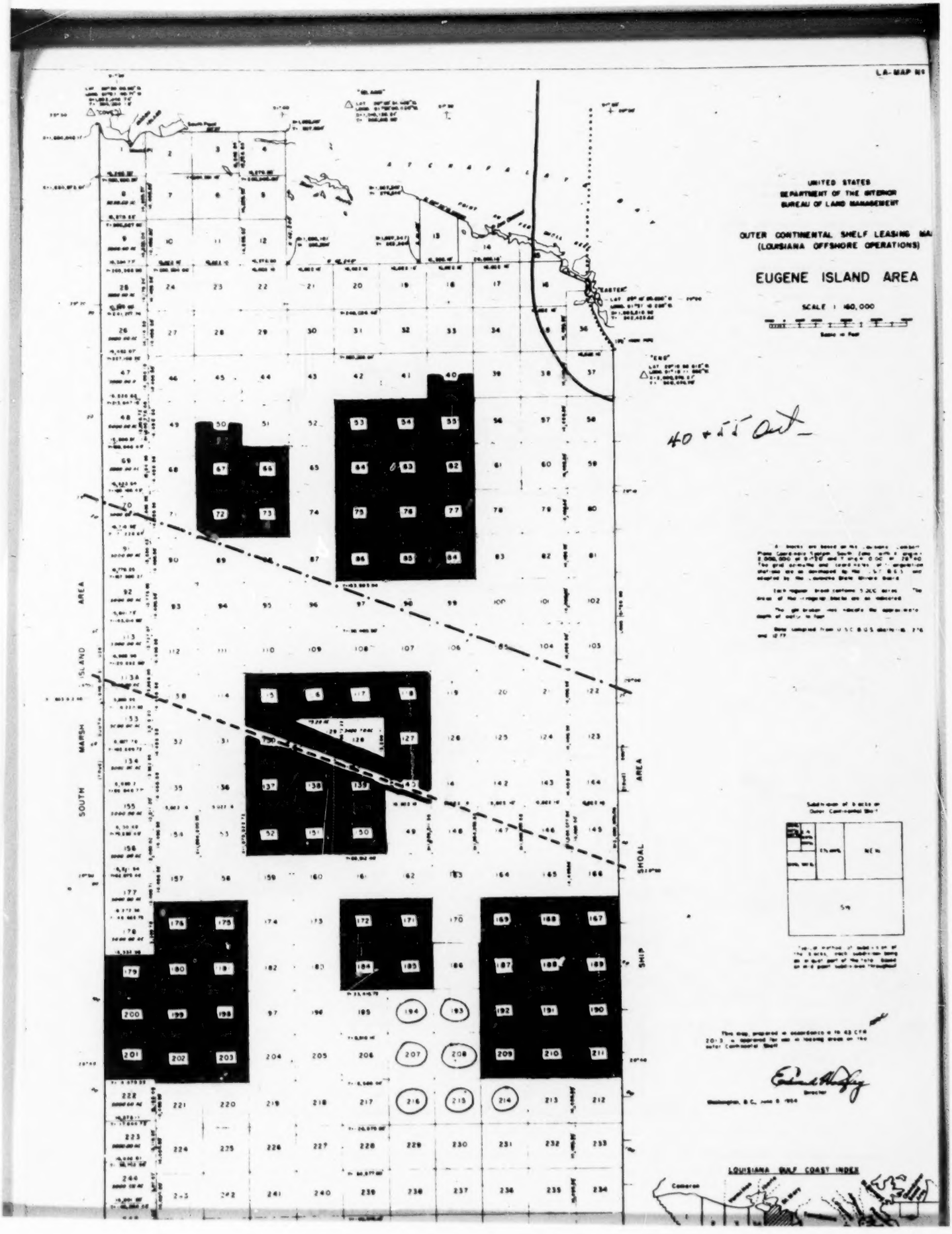


INTERVENERS' EXHIBIT "9"

COPY BOUND VERTICAL

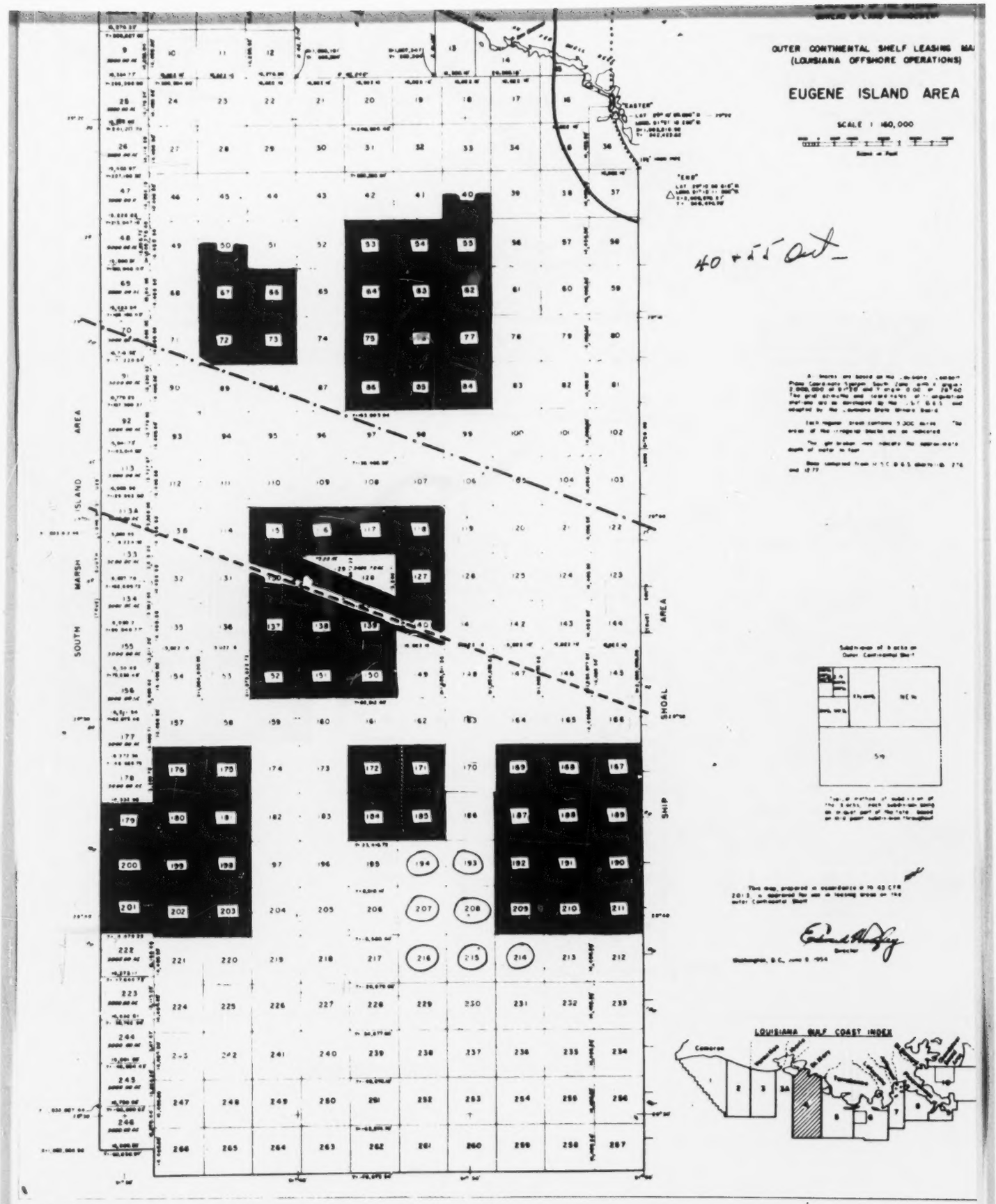
POOR COPY

OVERSIZE PAGE – SEE NEXT FRAME FOR REMAINDER OF PAGE



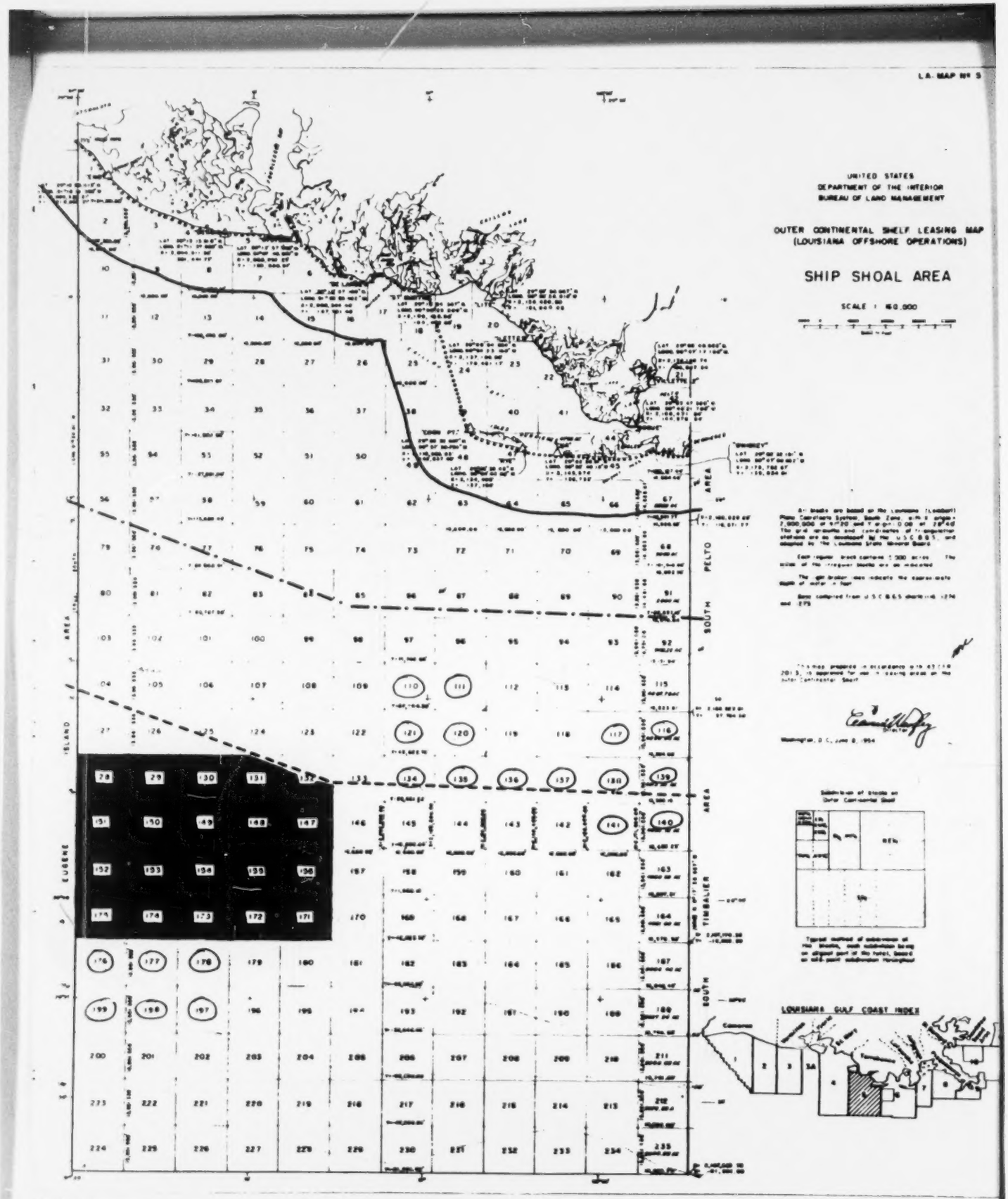
COPY BOUND VERTICAL

POOR COPY



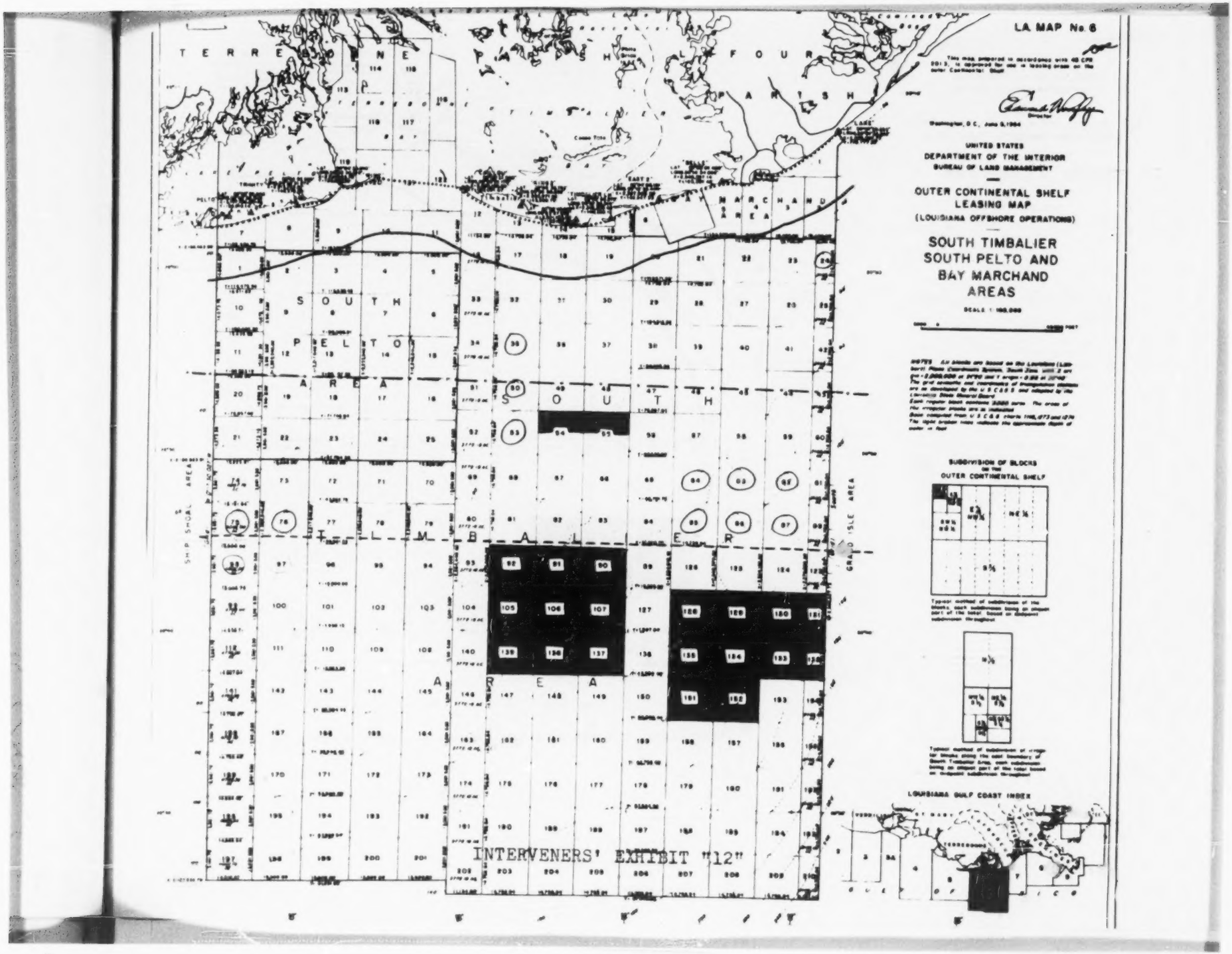
INTERVENERS' EXHIBIT "10"

COPY BOUND VERTICAL
POOR COPY

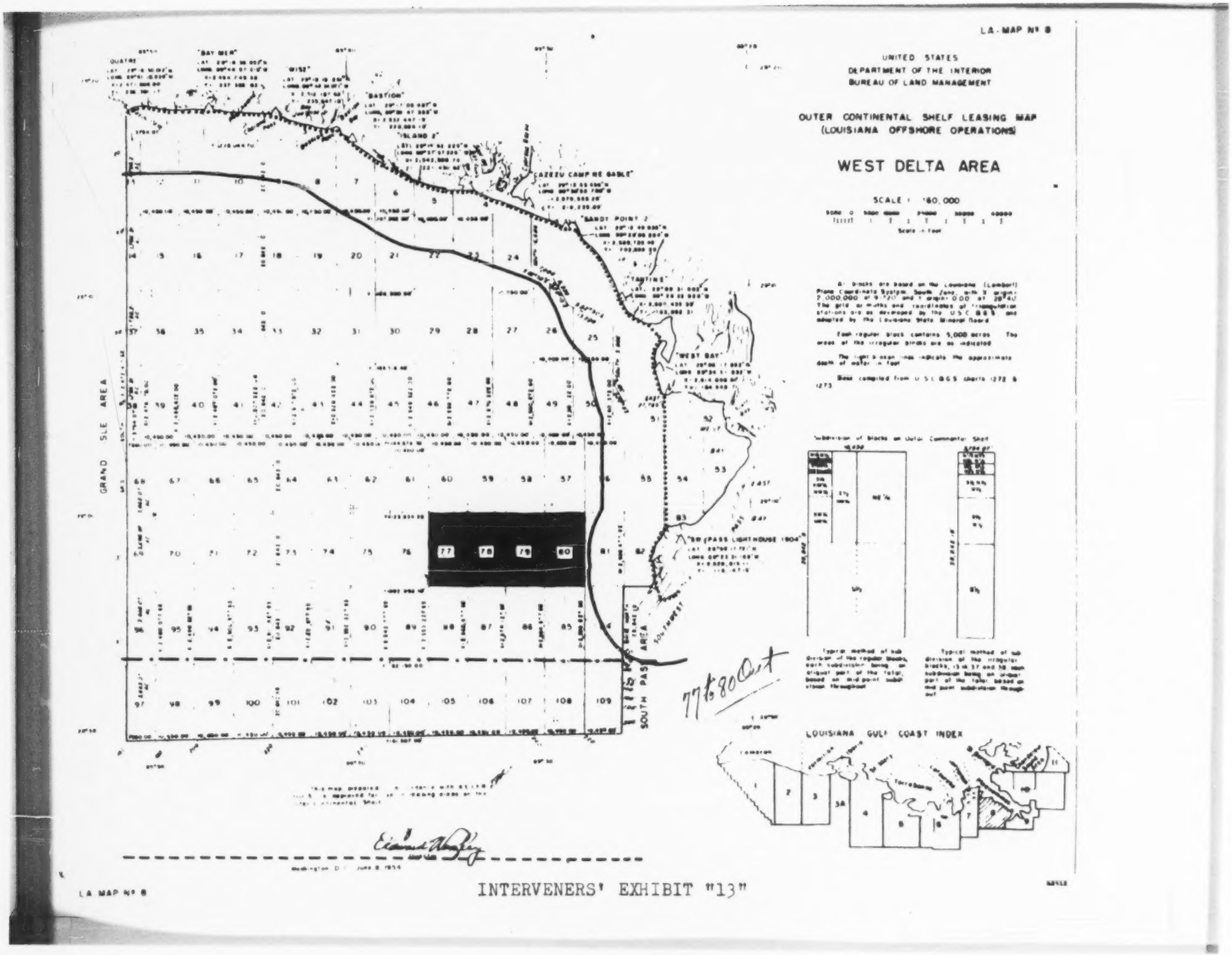


INTERVENERS' EXHIBIT "11"

COPY BOUND VERTICAL
POOR COPY


LA. MAP No. 6
UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
OUTER CONTINENTAL SHELF
LEASING MAP
(LOUISIANA OFFSHORE OPERATIONS)
SOUTH TIMBALIER
SOUTH PELTO AND
BAY MARCHAND
AREAS
SCALE 1:100,000
SUBDIVISION OF BLOCKS
ON THE
OUTER CONTINENTAL SHELF
LOUISIANA GULF COAST INDEX
TERREBONNE PARISH
LAFOURCHE PARISH
SOUTH PELTO AREA
SOUTH TIMBALIER AREA
BAY MARCHAND AREA
SHIP SHOAL AREA
GRAND ISLE AREA
INTERVENERS' EXHIBIT "12"

POOR COPY



INTERVENERS' EXHIBIT "13"

POOR COPY